

SENATE.

FRIDAY, February 28, 1919.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, who from Thy throne dost behold all the dwellers of the earth, look upon us as we come beseeching Thee for Thy grace this day, that we may wisely plan for the uplift of humanity, for the peace and prosperity of the world; that we may have Thy guidance in the discharge of the duties pertaining to our domestic affairs; and that all things done may be according to Thy will for the accomplishment of Thy purpose in us as a nation. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SWANSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LIST OF JUDGMENTS (S. DOC. NO. 428).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims amounting to \$250,714.65, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHEDULES OF CLAIMS (S. DOC. NO. 426).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to \$172,357.08 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDAATION CLAIM (S. DOC. NO. 427).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a letter from the Assistant Attorney General submitting a judgment rendered by the Court of Claims in favor of claimant in an Indian depredation case in the sum of \$300, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

BARKENTINE "MABEL I. MEYERS" (S. DOC. NO. 429).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a record of a judgment of the United States district court for the district of Massachusetts, referring the claim of the owners of the barkentine *Mabel I. Meyers* to the court with jurisdiction to hear and determine the same for judgment, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MILEAGE TO OFFICERS (S. DOC. NO. 430).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriation required by the War Department for mileage to officers and contract surgeons, and for arms, uniforms, equipment, and field artillery matériel, National Guard, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 9897) to authorize the contesting and cancellation of certain homestead entries, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Flood, Mr. LINTHICUM, and Mr. COOPER of Wisconsin managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill H. R. 13034, an act to validate and confirm certain erroneously allowed entries in the State of Minnesota, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask to have printed in the Record and referred to the Committee on Public Lands.

The memorial was referred to the Committee on Public Lands and ordered to be printed in the Record, as follows:

Senate joint memorial 16.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate of the State of Oregon (the House of Representatives concurring) respectfully represent this, that—

Whereas Congressman SINNOTT, of the third congressional district of the State of Oregon, has introduced a bill, which is now pending in the Congress of the United States, having for its purpose, among other things, the appropriating of \$1,000,000,000 for reclamation and drainage of lands in the western portion of the United States; and Whereas there is located in Baker County, Oreg., an irrigation project consisting of approximately 63,000 acres of irrigable land lying in a compact body in what is commonly known as Lower Powder River Valley; and

Whereas there is lying adjacent to said Powder River project another irrigation project, commonly called the Sparta irrigation district, consisting of approximately 15,000 acres of irrigable land; and Whereas all preliminary engineering and investigation work has been done on each of these said projects, and the same have been found to be entirely feasible; and

Whereas the said House bill for the appropriation of \$1,000,000,000 for reconstruction work is intended to aid in furnishing employment and homes for returned and returning soldiers and sailors; and

Whereas the said Powder River and Sparta projects will furnish work and homes for said soldiers and sailors forthwith: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives concurring), That the Representative Assembly of the State of Oregon favors the passage by Congress of the said House bill, and to that end the Senators and Representatives in Congress of the United States from the State of Oregon are hereby urged to use their influence in behalf of the passage of said bill; and be it further

Resolved, That the chief clerk of the Senate of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States, to W. P. Davis, Director General of the United States Reclamation Service, and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the house February 21, 1919.

SEYMOUR JONES,
Speaker of the House.

Adopted by the senate February 15, 1919.

W. I. VINTON,
President of the Senate.

Mr. CHAMBERLAIN. I present a resolution adopted by the Legislature of the State of Oregon, which I ask to have printed in the Record.

The resolution is as follows:

Senate joint resolution 24.

Whereas retirement on annuities has for many years been a vital issue with all organizations of Federal civil-service employees, for the reason that a large number of men and women over 68 years of age have served the United States for a lifetime at such comparatively low wages that it has been impossible for them to accumulate a sum of money sufficient to enable them to voluntarily retire; and

Whereas these men and women know that either demotion or dismissal awaits them if a retirement bill is not passed by the Congress, as the efficiency of employees rapidly declines after the age of 68 years; and Whereas the United States Civil Service Commission in its last annual report strongly recommended a system of retirement, as follows:

"It is too costly to continue the aged and infirm in positions requiring alertness and vigor, and a retirement system is possible which would be alike in the interest of the Government and the worker."

"While inefficiency is a just cause for removal, appointing officers naturally hesitate to dismiss old employees who have become incapacitated after rendering long and efficient service, and a virtual pension system thus exists."

"A retirement system would give stability to the service, create an inducement for capable men to continue in it, contribute to improve administrative methods, and make possible a standardization of salaries and other needed reforms"; and

Whereas there is now before the Congress a bill known as the McKellar-Keating bill, which has for its object the retirement on annuities of all superannuated and disabled civil-service employees of the United States, at a cost to be borne equally by the Government and the employees; and

Whereas the McKellar-Keating bill, which is known in the Senate as S. 4637 and in the House of Representatives as H. R. 12352, has received the unanimous indorsement of all organizations of Federal civil employees as being the most comprehensive and satisfactory retirement bill that has been submitted to the Congress for its consideration: Now, therefore, be it

Resolved by the senate and the house of representatives jointly concurring, That the Legislature of the State of Oregon declares itself to be in full sympathy and accord with the McKellar-Keating bill, known in the Senate as S. 4637 and in the House of Representatives as H. R. 12352; and be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to secure the passage of said act; and be it further

Resolved, That the chief clerk of the senate be, and he hereby is, directed to forward copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each of Oregon's Senators and Representatives in Congress.

Adopted by the house February 21, 1919.

SEYMOUR JONES,
Speaker of the House.

W. I. VINTON,
President of the Senate.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island, which I ask to have printed in the Record and referred to the Committee on Military Affairs.

The resolution was referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1919.

Resolution by the general assembly urging upon Congress the passage of legislation granting additional pay to soldiers and sailors.

Whereas there is pending in the Congress of the United States a bill which will permit the payment of six months' additional pay to all soldiers and sailors who have participated in the war with Germany; and

Whereas the payment of an additional sum to all soldiers and sailors will be of great benefit to these men during the period of unemployment which, in many cases, may occur during the transition from military to civil life: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island urges upon Congress the passage of legislation which will permit additional payments to all soldiers and sailors who have served in the war with Germany; and be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of War and to the Senators and Representatives in Congress from the State of Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence.

I hereby certify the foregoing to be a true copy of the original resolution approved February 27, 1919.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Rhode Island this 27th day of February, in the year 1919.

[SEAL.]

J. FRED PARKER,
Secretary of State.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Virginia, and St. Paul, all in the State of Minnesota, praying for the establishment of a league of nations, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Brainerd, Minn., praying for a gratuity pay to honorably discharged soldiers and sailors until they shall have found employment, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a memorial of Norton County Farmers' Educational and Cooperative Union, of Lenora, Kans., and a memorial of sundry citizens of Barclay, Kans., remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 1048, International Association of Machinists, of Dodge City, Kans., and a petition of Local Union No. 356, Amalgamated Sheet Metal Workers, of Parsons, Kans., praying for a gratuity pay to honorably discharged soldiers and sailors until they shall have found employment, and also praying for appropriations to complete the construction of public improvements, which were referred to the Committee on Military Affairs.

He also presented a petition of Pioneer Lodge, No. 43, Ancient Order United Workmen, of Russell, Kans., and a petition of the local draft board of Russell, Kans., praying for the deportation of those aliens who, in order to escape military service, dropped their first citizenship papers, which were referred to the Committee on Immigration.

He also presented a memorial of Washington Post, No. 12, Grand Army of the Republic, Department of Kansas, of Lawrence, Kans., remonstrating against the reduction in pay of soldiers from \$30 per month to \$15 per month, which was referred to the Committee on Military Affairs.

He also presented a petition of Council No. 976, Knights of Columbus, of Newton, Kans., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SIMMONS. From the Committee on Finance I report back favorably, without amendment, the bill (H. R. 16136) to amend the liberty bond acts and the War Finance Corporation act, and for other purposes, and I submit a report (No. 786) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. HENDERSON, from the Committee on Banking and Currency, to which was referred the bill (S. 5512) to amend the Federal farm-loan act, approved July 17, 1916, reported it without amendment and submitted a report (No. 787) thereon.

Mr. WEEKS, from the Committee on Post Offices and Post Roads, to which was referred the joint resolution (S. J. Res. 229) to extend the period of Government control and possession of the telegraph and telephone systems of the United States, reported it without amendment.

WOMAN SUFFRAGE.

Mr. JONES of New Mexico. I introduce a joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women, which I ask to have read and referred to the Committee on Woman Suffrage.

The joint resolution (S. J. Res. 230) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was read the first time by its title, the second time at length, and referred to the Committee on Woman Suffrage, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of said Constitution, namely:

"Article —

"SECTION 1. That the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The several States shall have the authority to enforce this article by necessary legislation, but if any State shall enforce or enact any law in conflict therewith, then Congress shall not be excluded from enacting appropriate legislation to enforce it."

FIFTH LIBERTY BOND BILL.

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (H. R. 16136) to amend the liberty bond acts and the War Finance Corporation act, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GAY submitted an amendment proposing to appropriate \$2,094.17 to pay the claim of Morgan's Railroad & Steamship Co., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WOLCOTT submitted an amendment proposing to appropriate \$336 to enable the Postmaster General to cause the account of Merritt O. Chance, postmaster at Washington, D. C., to be credited with that sum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES of Washington submitted an amendment proposing to appropriate \$150,000 to enable the Secretary of the Interior to combat the influenza in Alaska and to afford relief to indigent natives thereof, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—JOHN CLOPHINE.

On motion of Mr. CURTIS, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying the bill S. 3850, Sixty-fifth Congress, second session, granting an increase of pension to John Clophine, no adverse report having been made thereon.

SHIPMENT OF DAMAGED WHEAT TO BELGIUM.

Mr. CALDER. I submit a Senate resolution, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 480) was read, as follows:

Whereas in sworn testimony, taken before Chief City Magistrate McAdoo in New York County, State of New York, in a John Doe inquiry on February 13, 1919, it was stated as facts:

First, that a large quantity of moldy, musty, and immature American wheat was shipped from the United States to Belgium in 1917 for the purpose of Belgian relief, and that this wheat was milled into flour and distributed among the Belgian sufferers, causing the death of more than a thousand such persons;

Second, that one George W. Moench, of Logan, Utah, admitted that he "sold a large quantity of rotten wheat, some 240,000 bushels, at a pretty good price to the buyers, who shipped to the Belgian Relief," and that he "sold 17,000 bushels of that wheat, getting a good price for it, although it was not fit for poultry food";

Third, that certain St. Louis mills had ground a quantity of rotten wheat and sent the flour to Belgium direct, which was distributed among the Belgian sufferers with disastrous results; and

Whereas these sworn statements and charges have been printed repeatedly in the public press and have not been officially denied; and

Whereas if the statements and charges above made are true, they constitute a reflection on the United States Government and make it appear possible that wholesale quantities of food unfit for human consumption was dumped into Belgium and there given to sufferers, who had no choice but to eat or perish: Therefore be it

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized and directed to investigate the said charges to ascertain whether unwholesome food was shipped to Belgium, and, if so, by whom and the profits made by each and every shipper of moldy wheat or flour made from moldy wheat, and to investigate any other charges and allegations made concerning the Commission for Relief in Belgium, and to make a report of the result of such investigation to the Senate.

Mr. LODGE. Mr. President, is the resolution before the Senate?

The VICE PRESIDENT. There is a request for the immediate consideration of the resolution. Is there objection?

Mr. LODGE. I should like to be heard upon it.

Mr. SWANSON. It seems to me the resolution ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. If the Senator will allow me to speak to it, I gave notice that I would address the Senate this morning. In my absence from the Senate an agreement was made in regard to the calendar, of which I wholly approve; but I ask the indulgence of the Senate, before the morning hour concludes, as the resolution is now before us, to speak at this time.

The VICE PRESIDENT. It is not yet before the Senate. Unanimous consent has not been given for its consideration. Is there objection? The Chair hears none, and it is now before the Senate. The Senator from Massachusetts will proceed.

CALLING OF THE ROLL.

Mr. KELLOGG. Mr. President, there are very few Senators here, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---------------|---------------|-----------|--------------|
| Brandegee | Henderson | Myers | Simmons |
| Calder | Johnson, Cal. | New | Smith, Mich. |
| Chamberlain | Jones, Wash. | Norris | Smith, S. C. |
| Curtis | Kellogg | Nugent | Smoot |
| Fernald | Kenyon | Page | Spencer |
| Franco | La Follette | Pittman | Swanson |
| Frelinghuysen | Lodge | Pomerene | Trammell |
| Gay | McCumber | Ransdell | Weeks |
| Gronna | McKellar | Robinson | |
| Hale | Martin, Va. | Saulsbury | |
| Hardwick | Moses | Sheppard | |

Mr. SHEPPARD. I wish to announce that the Senator from Rhode Island [Mr. GERRY], the Senator from Montana [Mr. WALSH], the Senator from Nebraska [Mr. HITCHCOCK], and the Senator from Kentucky [Mr. BECKHAM] are detained on official business.

Mr. SAULSBURY. The senior Senator from North Carolina [Mr. OVERMAN] and the junior Senator from Delaware [Mr. WOLCOTT] are detained on official business.

Mr. ROBINSON. The Senator from Maryland [Mr. SMITH], the Senator from Colorado [Mr. THOMAS], and the Senator from Arizona [Mr. SMITH] are detained by illness.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. COLT, Mr. DILLINGHAM, Mr. KIRBY, Mr. REED, Mr. SHAFROTH, Mr. SMITH of Georgia, Mr. SUTHERLAND, Mr. THOMPSON, Mr. UNDERWOOD, Mr. VARDAMAN, and Mr. WADSWORTH answered to their names when called.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. CUMMINS, Mr. NELSON, Mr. STERLING, Mr. JONES of New Mexico, Mr. BAIRD, and Mr. WILLIAMS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators have answered to their names. There is a quorum present.

ADMONITION TO THE OCCUPANTS OF THE GALLERIES.

The VICE PRESIDENT. Before the Senator from Massachusetts proceeds, in order to take time by the forelock and avoid trouble, the Chair desires again to call the attention of the occupants of the galleries to the fact that there is a rule of the Senate which prevents either applauding or hissing in the galleries or any other manifestation of approval or disapproval. It was not a rule that appealed to the Chair, but it is one which the Senate forced upon the Chair and compels the Chair to see that it is observed.

There has been a great deal of trouble in the discussion of the questions about which the Senator from Massachusetts is going to proceed, and the occupants of the galleries have not obeyed the rule of the Senate. If kept up it will lead to both cheering and hissing and disorder in the galleries. There is only one way to enforce the rule that the Chair knows of, and that is if the occupants of the galleries will not obey the rule of the Senate and will not keep quiet to clear the galleries.

The Chair does not like to make this statement, because occasionally, as the Chair thinks, nothing is less disorderly than to be cheered, but the Senate thinks otherwise. So the occupants of the galleries will be kind enough to observe the rule, with the assurance that if they do not there will be a desperate effort to clear the galleries upon the first manifestation of approval or disapproval.

CONSTITUTION OF THE LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, all people, men and women alike, who are capable of connected thought abhor war and desire nothing so much as to make secure the future peace of the world. Everybody hates war. Everyone longs to make it impossible. We ought to lay aside once and for all the unfounded and really evil suggestion that because men may differ as to the best method of assuring the world's peace in the future, anyone is against permanent peace, if it can be obtained, among all the nations of mankind. Because one man goes to the Capitol in Washington by one street and another man by a different street it does not follow that they are not both going to the Capitol. We all earnestly desire to advance toward the preservation of the world's peace, and difference in method makes no distinction in purpose. It is almost needless to say that the question now before us is so momentous that it transcends all party lines. Party considerations and party interests disappear in dealing with such a question as this. I will follow any man and vote for any measure which in my honest opinion will make for the maintenance of the world's peace. I will follow no man and vote for no measures which, however well intended, seem in my best judgment to lead to dissensions rather than to harmony among the nations or to injury, peril, or injustice to my country. No question has ever confronted the United States Senate which equals in importance that which is involved in the league of nations intended to secure the future peace of the world. There should be no undue haste in considering it. My one desire is that not only the Senate, which is charged with responsibility, but that the press and the people of the country should investigate every proposal with the utmost thoroughness and weigh them all carefully before they make up their minds. If there is any proposition or any plan which will not bear, which will not court the most thorough and most public discussion, that fact makes it an object of suspicion at the very outset. Beware of it; be on your guard against it. Demand that those who oppose the plan now offered present arguments and reasons, based on facts and history, and that those who favor it meet objections with something more relative than rhetoric, personal denunciation, and shrill shrieks that virtue is to be preferred to vice and that peace is better than war. Glittering and enticing generalities will not serve. We must have facts, details, and sharp, clear-cut definitions. The American people can not give too much thought to this subject, and that they shall look into it with considerate eyes is all that I desire.

In the first place, the terms of the league—the agreements which we make—must be so plain and so explicit that no man can misunderstand them. We must, so far as it can be done by human ingenuity, have every agreement which we make so stated that it will not give rise to different interpretations and to consequent argument. Misunderstandings as to terms are not a good foundation for a treaty to promote peace. We now have before us the draft of a constitution for a league of nations, prepared by a commission or committee, which is to be submitted to the representatives of the nations. The nations, through their delegates, have not agreed to it. It has not passed beyond the stage of a committee report. It is open to amendment and change in the peace conference. The Senate can take no action upon it, but it lies open before us for criticism and discussion. What is said in the Senate ought to be placed before the peace conference and published in Paris, so that the foreign Governments may be informed as to the various views expressed here.

In this draft prepared for a constitution of a league of nations, which is now before the world, there is hardly a clause about the interpretation of which men do not already differ. As it stands there is serious danger that the very nations which sign the constitution of the league will quarrel about the meaning of the various articles before a twelvemonth has passed. It seems to have been very hastily drafted, and the result is crudeness and looseness of expression, unintentional, I hope. There are certainly many doubtful passages and open questions obvious in the articles which can not be settled by individual inference, but which must be made so clear and so distinct that we may all understand the exact meaning of the instrument to which we are to be asked to set our hands. The language of these articles does not appear to me to have the precision and unmistakable character which a constitution, a treaty, or a law ought to present. The language only too frequently is not the language of laws or statutes. The article concerning mandatories, for example, contains an argument and a statement of existing conditions. Arguments and historical facts have no place in a statute or a treaty. Statutory and legal language must assert and command, not argue and de-

scribe. I press this point because there is nothing so vital to the peace of the world as the sanctity of treaties. The suggestion that we can safely sign because we can always violate or abrogate is fatal not only to any league but to peace itself. You can not found world peace upon the cynical "scrap of paper" doctrine so dear to Germany. To whatever instrument the United States sets its hand it must carry out the provisions of that instrument to the last jot and tittle, and observe it absolutely both in letter and in spirit. If this is not done the instrument will become a source of controversy instead of agreement, of dissension instead of harmony. This is all the more essential because it is evident, although not expressly stated, that this league is intended to be indissoluble, for there is no provision for its termination or for the withdrawal of any signatory. We are left to infer that any nation withdrawing from the league exposes itself to penalties and probably to war. Therefore, before we ratify, the terms and the language in which the terms are stated must be as exact and as precise, as free from any possibility of conflicting interpretations, as it is possible to make them.

Mr. GORE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oklahoma?

Mr. LODGE. I yield.

Mr. GORE. I should like to ask if the Senator from Massachusetts remembers that when Napoleon's prime minister called his attention to the treaty affecting the Louisiana Purchase he observed that he was afraid one article of the treaty was a little obscure. Napoleon told him to scrutinize the article again, and, if it was not obscure, to make it so.

Mr. LODGE. The explanation or interpretation of any of these doubtful passages is not sufficient if made by one man, whether that man be the President of the United States, or a Senator, or anyone else. These questions and doubts must be answered and removed by the instrument itself.

It is to be remembered that if there is any dispute about the terms of this constitution there is no court provided that I can find to pass upon differences of opinion as to the terms of the constitution itself. There is no court to fill the function which our Supreme Court fills. There is provision for tribunals to decide questions submitted for arbitration, but there is no authority to decide differing interpretations as to the terms of the instrument itself.

What I have just said indicates the vast importance of the form and the manner in which the agreements which we are to sign shall be stated. I now come to questions of substance, which seem to me to demand the most careful thought of the entire American people, and particularly of those charged with the responsibility of ratification. We abandon entirely by the proposed constitution the policy laid down by Washington in his Farewell Address and the Monroe doctrine. It is worse than idle, it is not honest, to evade or deny this fact, and every fair-minded supporter of this draft plan for a league admits it. I know that some of the ardent advocates of the plan submitted to us regard any suggestion of the importance of the Washington policy as foolish and irrelevant. Perhaps it is. Perhaps the time has come when the policies of Washington should be abandoned; but if we are to cast them aside I think that at least it should be done respectfully and with a sense of gratitude to the great man who formulated them. For nearly a century and a quarter the policies laid down in the Farewell Address have been followed and adhered to by the Government of the United States and by the American people. I doubt if any purely political declaration has ever been observed by any people for so long a time. The principles of the Farewell Address in regard to our foreign relations have been sustained and acted upon by the American people down to the present moment. Washington declared against permanent alliances. He did not close the door on temporary alliances for particular purposes. Our entry into the great war just closed was entirely in accord with and violated in no respect the policy laid down by Washington. When we went to war with Germany we made no treaties with the nations engaged in the war against the German Government. The President was so careful in this direction that he did not permit himself ever to refer to the nations by whose side we fought as "allies," but always as "nations associated with us in the war." The attitude recommended by Washington was scrupulously maintained even under the pressure of the great conflict. Now, in the twinkling of an eye, while passion and emotion reign, the Washington policy is to be entirely laid aside and we are to enter upon a permanent and indissoluble alliance. That which we refuse to do in war we are to do in peace deliberately, coolly, and with no war exigency. Let us not overlook the profound gravity of this step.

Washington was not only a very great man but he was also a very wise man. He looked far into the future and he never omitted human nature from his calculations. He knew well that human nature had not changed fundamentally since mankind had a history. Moreover, he was destitute of any personal ambitions to a degree never equaled by any other very great man known to us. In all the vital questions with which he dealt it was not merely that he thought of his country first and of himself second. He thought of his country first and never thought of himself at all. He was so great a man that the fact that this country had produced him was enough of itself to justify the Revolution and our existence as a Nation. Do not think that I overstate this in the fondness of patriotism and with the partiality of one of his countrymen. The opinion I have expressed is the opinion of the world. Fifteen years after Washington's death Byron wrote the famous and familiar lines:

Where may the wearied eye repose
When gazing on the Great,
Where neither guilty glory glows,
Nor despicable state?
Yes, One—the first—the last—the best—
The Cincinnatus of the West,
Whom Envy dared not hate—
Bequeathed the name of Washington,
To make man blush there was but one!

That was the opinion of mankind then, and it is the opinion of mankind to-day, when his statue has been erected in Paris and is about to be erected in London. If we throw aside the political testament of such a man, which has been of living force down to the present instant, because altered circumstances demand it, it is a subject for deep regret and not for rejoicing. When Washington prepared the Farewell Address he consulted Hamilton, perhaps the greatest constructive mind among modern statesmen, who prepared a large part of the draft; Madison, one of the chief framers of the Constitution and President of the United States; John Jay, Chief Justice and one of the great lawyers in our history. Following them came Thomas Jefferson, James Monroe, and John Quincy Adams, bringing the Monroe doctrine to complete and round out the principles of Washington to which they were all alike devoted. If we are to be driven by modern exigencies to dismiss Washington and his counselors and the men who declared the Monroe doctrine from our consideration, we ought, at least, as these stately figures pass off the stage of guiding influence, to pay our homage to them and not relegate them to the shades of the past with jeers and laughter directed against their teachings.

But if we put aside forever the Washington policy in regard to our foreign relations, we must always remember that it carries with it the corollary known as the Monroe doctrine. Under the terms of this league draft reported by the committee to the peace conference the Monroe doctrine disappears. It has been our cherished guide and guard for nearly a century. The Monroe doctrine is based on the principle of self-preservation. To say that it is a question of protecting the boundaries, the political integrity, of the American States is not to state the Monroe doctrine. Boundaries have been changed among American States since the Monroe doctrine was enunciated. That is not the kernel of the doctrine. The real essence of that doctrine is that American questions shall be settled by Americans alone; that the Americas shall be separated from Europe and from the interference of Europe in purely American questions. That is the vital principle of the doctrine.

I have seen it said that the Monroe doctrine is preserved under article 10; that we do not abandon the Monroe doctrine, we merely extend it to all the world. How anyone can say this passes my comprehension. The Monroe doctrine exists solely for the protection of the American Hemisphere, and to that hemisphere it was limited. If you extend it to all the world, it ceases to exist, because it rests on nothing but the differentiation of the American Hemisphere from the rest of the world. Under this draft of the constitution of the league of nations American questions and European questions and Asian and African questions are all alike put within the control and jurisdiction of the league. Europe will have the right to take part in the settlement of all American questions, and we, of course, shall have the right to share in the settlement of all questions in Europe and Asia and Africa. Europe and Asia are to take part in policing the American Continent and the Panama Canal, and in return we are to have, by way of compensation, the right to police the Balkans and Asia Minor when we are asked to do so. Perhaps the time has come when it is necessary to do this, but it is a very grave step, and I wish now merely to point out that the American people ought never to abandon the Washington policy and the Monroe doctrine without being perfectly certain that they earnestly wish to do so. Standing always firmly by these great policies, we

have thriven and prospered and have done more to preserve the world's peace than any nation, league, or alliance which ever existed. For this reason I ask the press and the public and, of course, the Senate to consider well the gravity of this proposition before it takes the heavy responsibility of finally casting aside these policies which we have adhered to for a century and more and under which we have greatly served the cause of peace both at home and abroad.

Very complete proof must be offered of the superiority of any new system before we reject the policies of Washington and Monroe, which have been in our foreign relations the Palladium of the Republic. Within the memory of those to whom I now speak the Monroe doctrine stopped the incursions of England upon the territory of Venezuela and settled the boundary question finally by arbitration. Under the Monroe doctrine we arrested the attempt of Germany to take Venezuelan territory on another occasion. In these two instances the doctrine was enforced by a Democratic President and by a Republican President, and they were supported in so doing by all the people of the United States without regard to party. I mention these cases merely to show that we are not cutting away dead limbs from the body politic, but that we are abandoning two cardinal principles of American government, which, until the presentation of this draft for the constitution of the league of nations, were as vital as on the day when Washington addressed the people of the United States for the last time or when President Monroe announced his policy to the world. What has happened since November 11, 1918, to make them so suddenly valueless, to cause them to be regarded as injurious obstacles to be cast out upon the dust heaps of history? It seems to me that that is a question which at least deserves our consideration before we take action upon it.

Two other general propositions, and I shall proceed to examine these league articles in detail. In article 10 we, in common, of course, with the other signatories and members of the projected league, guarantee the territorial integrity and the political independence of every member of the league. That means that we ultimately guarantee the independence and the boundaries, as now settled or as they may be settled by the treaty with Germany, of every nation on earth. If the United States agrees to guaranties of that sort we must maintain them. The word of the United States, her promise to guarantee the independence and the boundaries of any country, whether she does it alone or in company with other nations, whether she guarantees one country or all the countries of the world, is just as sacred as her honor—far more important than the maintenance of every financial pledge, which the people of this country would never consent to break.

I do not now say the time has not come when, in the interest of future peace, the American people may not decide that we ought to guarantee the territorial integrity of the far-flung British Empire, including her self-governing dominions and colonies, of the Balkan States, of China or Japan, or of the French, Italian, and Portuguese colonies in Africa; but I do suggest that it is a very grave, a very perilous promise to make, because there is but one way by which such guaranties, if ever invoked, can be maintained, and that way is the way of force—whether military or economic force, it matters not. If we guarantee any country on the earth, no matter how small or how large, in its independence or its boundaries, that guarantee we must maintain at any cost when our word is once given, and we must be in constant possession of fleets and armies capable of enforcing these guaranties at a moment's notice. There is no need of arguing whether there is to be compulsive force behind this league. It is there in article 10 absolutely and entirely by the mere fact of these guaranties. The ranks of the armies and the fleets of the navy made necessary by such pledges are to be filled and manned by the sons, husbands, and brothers of the people of America. I wish them carefully to consider, therefore, whether they are willing to have the youth of America ordered to war by other nations without regard to what they or their representatives desire. I would have them determine after much reflection whether they are willing to have the United States forced into war by other nations against her own will. They must bear in mind constantly that we have only one vote in the executive council, only one vote in the body of delegates, and a majority of the votes rules and is decisive.

I am not here to discuss the constitutional question of the sole right of Congress to declare war. That is a detail, as it relates only to the Constitution, which we may decide later. In my own opinion, we shall be obliged to modify the Constitution. I do not think, and I never can admit, that we can change or modify the Constitution by a treaty negotiated by the President and ratified by the Senate. I think that must be done, and can only be done, in the way prescribed by the Constitution

itself, and to promise to amend our Constitution is a serious task and a doubtful undertaking.

I hope the American people will take time to consider this promise before they make it—because when it is once made it can not be broken—and ask themselves whether this is the best way of assuring perfect peace throughout the future years, which is what we are aiming at, for we all are aiming at the same object. A world's peace which requires at the outset preparations for war—for war either economic or military—in order to maintain that peace presents questions and awakens thoughts which certainly ought to be soberly and discreetly considered.

The second general proposition to which I would call attention is this: We now in this draft bind ourselves to submit every possible international dispute or difference either to the league court or to the control of the executive council of the league. That includes immigration, a very live question, to take a single example. Are we ready to give to other nations the power to say who shall come into the United States and become citizens of the Republic? If we are ready to do this, we are prepared to part with the most precious of sovereign rights, that which guards our existence and our character as a Nation. Are we ready to leave it to other nations to determine whether we shall admit to the United States a flood of Japanese, Chinese, and Hindu labor? If we accept this plan for a league, this is precisely what we promise to do. I know that by following out all the windings of the provision for referring to the council or allowing the council to take charge of what has been called hitherto a nonjusticiable question, we shall probably reach a point where it would not be possible to secure unanimous action by the league upon the question of immigration. But, Mr. President, I start with the proposition that there should be no jurisdiction in the league at all over that question; that it should be separated absolutely and entirely from any jurisdiction of the league. Are we prepared to have a league of nations—in which the United States has only one vote, which she could not cast on a dispute to which she was a party—open our doors, if they see fit, to any and all immigration from all parts of the world?

Mr. Taft has announced, in an article which appeared in the National Geographic Magazine, that the question of immigration will go before the international tribunal, and he says now that all organized labor is for the league. If American labor favors putting the restriction of immigration in the control of other nations they must have radically changed their minds and abandoned their most cherished policy. Certainly the gravity of such promises as are involved in the points I have suggested is sufficient to forbid haste. If such promises are to be given they must be given in cold blood with a full realization of what they mean and after the American people and those who represent them here have considered all that is involved with a serious care such as we have never been called upon to exercise before. We are asked to abandon the policies which we have adhered to during all our life as a Nation. We are asked to guarantee the political independence and the territorial integrity of every nation which chooses to join the league—and that means all nations, as the President stated in his speech at Manchester. We are asked to leave to the decision of other nations, or to the jurisdiction of other nations, the question of what immigrants shall come to the United States. We are asked also to give up in part our sovereignty and our independence and to subject our own will to the will of other nations, if there is a majority against our desires. We are asked, therefore, in a large and important degree to substitute internationalism for nationalism and an international state for pure Americanism. Certainly such things as these deserve reflection, discussion, and earnest thought.

I am not contending now that these things must not be done. I have no intention of opposing a blank negative to propositions which concern the peace of the world, which I am as anxious to see promoted as any living man can be; but I do say, in the strongest terms, that these things I have pointed out are of vast importance not only to us but to the entire world, and a mistake now in making the league of nations might result in more war and trouble than the old system in its worst days. What I ask, and all I ask, is consideration, time, and thought.

The first and most practical question for us to consider and decide is whether the terms of this committee draft of a constitution for the league of nations really make for harmony, among the nations or will tend to produce dissension and controversy. We all desire peace, but in our zeal for peace we must be careful not to create new obligations and new and untried conditions, which may lead to fostering war rather than peace. For this reason I am going now to examine the articles in the draft of the constitution for the league of nations one by one.

Upon the preamble we need not pause. It states purposes and objects with which everybody, of course, is in sympathy.

Article 1 deals with the officers and the delegates, and they are sufficiently and clearly provided for, and also that there shall be an international secretariat. I think nothing is omitted so far as the creation of offices goes.

Nothing is said about how the delegates shall be chosen. That, of course, is a matter which is left to each nation to determine, but I venture, with all respect, to suggest that delegates representing the United States in what is to be a world state, to which we are to give a portion of our sovereignty and independence, ought to represent the United States; they ought to be selected by the people of the United States or appointed as ambassadors and consuls are appointed. I think these delegates, who are certainly as important as ambassadors or consuls, should be appointed by the usual method of the President and the Senate, and not ever be allowed to be irresponsible personal agents. That, however, is something we can attend to here, I think, when the league of nations is submitted to us in treaty form.

Article 2 refers to the meetings of the body of delegates, and also provides that "each of the high contracting parties shall have one vote but may not have more than three representatives." Therefore the voting in the body of delegates proceeds on the well-settled principle of international law that each national sovereignty is equal to every other national sovereignty, and the United States will have one vote and so will Siam.

In article 3 we come to the executive council, which is of the greatest possible importance, for it is in the provision stated here—and also, I am sure, as practice will show—the controlling force of the entire league:

The executive council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States members of the league.

What other States shall be selected has not yet been disclosed to us, but there must be four other States. The executive council now has five members—three from Europe, one from Asia, and one from America. Ultimately it will have nine members. I assume, and I think I have the right to assume, on the best authority, that there is no intention of making Germany one of the four nations to be added to the existing five which will compose the nine members of the executive council. I think it is probable that Germany will have a period of probation before she is even admitted to the league, and that seems to me to be eminently wise.

Then the article provides for the meeting of the council, and then says in the last paragraph:

Invitations shall be sent to any power to attend a meeting of the council at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such powers unless so invited.

This, of course, looks to having the executive council consider the affairs of every country in the world, whether they are members of the league or not, and all the council has to do in order to make its action binding on such powers is to invite them to be present. It is a paragraph not without importance.

ART. 4. All matter of procedure at meetings of the body of delegates or the executive council, including the appointment of the committees to investigate particular matters, shall be regulated by the body of delegates or the executive council, and may be decided by a majority of the States represented at the meeting.

It is to be decided by the executive council, where we shall have one vote in five, or, when the council is enlarged, one vote in nine, and in the body of delegates, of course, only one vote.

Then comes article 5, which provides for the secretariat and concerns only offices and provisions for expenses. The words creating offices and providing for salaries leave no room for doubts or questionings.

Article 6 is a matter of course. It simply gives the delegates diplomatic immunities and privileges.

Article 7 covers the admission to the league of States and, when a State is invited to adhere, "requires the assent of not less than two-thirds of the States represented in the body of delegates, and shall be limited to fully self-governing countries, including dominions and colonies."

The inclusion of dominions and colonies, of course, covers the four great self-governing dominions of Great Britain. I have no fault to find with the arrangement. Canada, New Zealand, South Africa, and Australia are far more worthy and more valuable members of a league of nations than some of the nations which I think will find their way into the body. But the fact remains that in the body of delegates England has five votes to one vote of any other country.

The next paragraph says:

No State shall be admitted to the league unless it is able to give effective guaranties of its sincere intention to observe its international obligations.

I do not wish to seem hypercritical, but I think that in a document of this kind we should know a little better what an "effective guaranty of a sincere intention" is.

How can we have an effective guaranty of a sincere intention?

I merely throw this out as one of the points which it seems to me ought to be made clear. Let us know what it means. How are we to test the sincerity of the intention? How are we to get a guaranty for the sincerity of the intention in advance? I think it would be well to have that more precisely defined.

We now come to article 8, which refers to disarmament, a most important question, one of the most important in the constitution of the league, with the purpose of which everybody must be in the keenest sympathy. The reduction of armaments, if it can be brought about successfully, will be of the greatest value to the world and relieve the people of all countries from a burden of taxation which has become intolerable. But its very importance makes it necessary, in my opinion, to express what is to be done with the utmost clearness. The article says:

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations—

That is, the reduction must be consistent with the "enforcement by common action of international obligations," words to be considered and which the instrument itself must explain.

Here we are dealing solely with military force which we are seeking to reduce, and it is recognized that in disarmament one of the elements to be considered is the "enforcement by common action of international obligations," which, I assume—we have to assume more or less as we pass along through these articles—refers to the obligations of the league. We certainly owe no international obligation to anybody else to-day as to what fleets and armies we shall have. Yet this article contemplates as one of the tests of disarmament the amount of force which will be needed to carry out the purposes of the league. The article continues:

having special regard to the geographical situation and circumstances of each State, and the executive council shall formulate plans for effecting such reduction.

I do not know how far the formulation has a binding effect, but the article goes on to say:

The executive council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament—

"Laid down." Again I have to interpret. Laid down, I assume, by the executive council itself, because it is they who make the program—

and these limits, when adopted, shall not be exceeded without the permission of the executive council.

There comes in an absolutely binding provision. It says "when adopted." Adopted by whom? The natural inference is, adopted by the several governments, if you trace it back through the wording of the previous paragraphs. Ought not an instrument of this vital character to be drafted with the ordinary care which a clerk gives in drafting a clause in an appropriation bill for a Senate committee? Ought it not to be stated clearly, "thus adopted by the several governments," and then there can be no question that each government will decide on the program itself and its own share before it is put in a position where it can never exceed that program without the permission of the executive council—I assume the majority of the executive council. That is another thing which apparently it has not been thought worth while to state, but I do not think you can be too clear when you are exacting from nations these great promises and laying upon them these heavy burdens.

The high contracting parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the executive council to advise how the evil effects attendant upon such manufacture can be prevented.

That, I take it, is mere advice to be laid before the body of delegates, but it is not explained how far the advice goes.

The high contracting parties—

The last paragraph says—

undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval program.

An admirable proposition! Certainly it can not but add to the prospect of the peace of the world if every nation shall explain to every other nation just what military and naval pro-

gram it has; but there seems to be no method expressed here by which they can be compelled to give that information, except by saying that if they do not do it they fail in a moral obligation and will be guilty of what some people might define as "moral obliquity."

Article 9 says:

A permanent commission shall be constituted to advise the league on the execution of the provisions of article 8 and on military and naval questions generally.

A very useful body, but constituted by whom? There is not one syllable in the article to show by whom it shall be constituted. It may be unnecessary to do it; we may be able to infer it; but when you get into the misty region of inferences by individuals you must have some tribunal established like our Supreme Court, who can declare whether the inference is correct or not.

Article 10 is probably the most important article in the whole constitution—I have already referred to it—because to me it is graver than anything else with perhaps one exception in this entire treaty. It is also perfectly clear:

The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled.

The executive council is to have the power of advice, which I do not suppose is binding at all, but the guaranty remains, and, as I have already said—it can not be too often repeated—that when one nation guarantees the political independence and the territorial integrity of another, that guaranty must be maintained, and guaranties can only be maintained by the exercise in the last resort of the force of the nation. If we were to guarantee the political independence and territorial integrity of Mexico or Guatemala, or any of those States, we should have to stand behind them with our armies and our fleets when the guaranty was invoked, and there is no escape from that obligation. Those plain words demand it. I am not now arguing whether we should give the guaranty or whether we should not give the guaranty, but I beg my fellow countrymen to consider well before they give this promise to invoke the mighty power of the United States in order to enforce a guaranty which extends to the boundaries of every State on the face of the earth. It is a tremendous promise, and if we give it this country must carry it out. The United States must never be guilty of in any way impairing the sanctity of treaties. But let us think well before we do it. Let us consider it. In the presence of such promises as that is it unreasonable to ask that the American people should have time to consider, to realize, just what it means before they give the promise? If they decide coolly and deliberately, there is nothing more to be said; we bow to it, and Congress will fulfill it; but that is too weighty a promise to make by simply saying, "I am in favor of a league of nations and of the eternal peace of the world." We are all in favor of the peace of the world. A mere title does not carry with it any explanation of the responsibility which is undertaken.

Article 11. Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the league, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations—

"Any action" covers war—

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates—

Which I suppose means the five who are now assigned and the four who are to join with them, making nine in all—

to draw the attention of the body of delegates or of the executive council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

Everyone must agree to that, except for the slight uncertainties of statement, but it embodies in practice one of the paragraphs of The Hague convention.

Now we come to the disputes. Those articles relating to the settlement of disputes would require a long time by themselves, if we touched nothing else, to discuss, and also to understand. I merely wish to call attention to a few points which occur on a casual reading. It says in article 12 "disputes." It says in article 13 "any disputes." That means any dispute that may arise among nations, of any kind, whether involving domestic or internal matters or foreign relations. The words "any disputes" cover everything. On that point I wish to reiterate what I have already said. I am not going further into it.

It is no reply to the point that is made about immigration to say that, if you follow it through all the windings of the provisions here for justiciable and nonjusticiable questions you will find it reaches a point where the league could do nothing

about immigration into the United States unless it was unanimous, and that it is very unlikely they would ever be unanimous. Grant it; it is unlikely that the league will ever be unanimous about anything, but the possibility is there. I deny the jurisdiction. I do not think we should leave to the league any question as to immigration, because immigration lies at the very root of national character and national economy; it ought to be made plain that the league has no jurisdiction whatever over such questions in any way. We do not want a narrow alley of escape from the jurisdiction of the league. We want to prevent any jurisdiction whatever. As we stand to-day no nation or nations can say who shall come into the United States. There is only one rule as to that, and that is the rule of the United States. It should so remain. What I say for the United States I mean for every other nation. No nation should be compelled to admit anyone within its borders whom it does not choose to admit.

Some of these points I think it might be well for those who prepared this draft to consider. Perhaps I do not regard the drafting committee with the veneration which the Senator from Nebraska [Mr. HITCHCOCK] feels toward them; I know some of them, and, without reflecting upon them in any way, I do not think their intellect or position in the world are so overpowering that we can not suggest amendments to this league. I can not say I know them all; I do not believe anybody here could get up and say who the 14 members of that commission are.

But there is a practical question to which I was about to call attention. This constitution here says until three months there shall be "no resort to war without previously submitting the question and matters involved either to arbitration or to inquiry by the executive council and until three months after award by the arbitrators or a recommendation by the executive council."

That binds the members of the league; but there have been outlaws among the nations before now. As a matter of history, the sudden manner in which Frederick the Great threw aside all his most solemn promises and poured his armies over Silesia, which Prussia has held ever since he tore it from Austria. How was this present war begun? By the sudden precipitation of an enormous war machine on the unprepared lands of Belgium and the nearly unprepared territory of France.

Suppose we had a Mexican raid across our border. It has happened. Perhaps Mexican nature has changed and it will never happen again, but it may happen. We are members of the league, we will suppose, and mean to carry out, as we must, every provision in absolute good faith. Mexico does not happen, we will say, to be a member of the league, or she is a member and breaks her covenants; she has not yet given "effective guaranties of sincere intention"; she breaks across our border, and under this article we have got to wait three months before we do anything. That, I think, would be a little hard on the people who live on the border.

Mr. REED. If the Senator from Massachusetts will pardon me, it is three months after the decision, is it not?

Mr. LODGE. Three months after the award.

Mr. REED. And the award might be made 30 years after the occurrence?

Mr. LODGE. No; the award of the arbitrators must "be made within a reasonable time."

Mr. REED. Oh, yes. [Laughter on the floor and in the galleries.]

The VICE PRESIDENT. The galleries will be cleared, except the senatorial gallery. We might as well settle this question first as last.

Mr. REED. Oh, Mr. President—

The VICE PRESIDENT. The Chair can not sit here and not enforce the rule. Either repeal the rule or the Chair must enforce it. The Chair does not care anything about the rule.

Mr. REED. Perhaps I am to blame for the disturbance. I will apologize for having made the remark; and I hope the Chair, having admonished the galleries, will not have them cleared.

The VICE PRESIDENT. The Chair is admonishing the galleries every 15 minutes. The Chair does not care anything about the rule—he wishes it were repealed—but unless the rule can be repealed it is going in some way to be observed.

Mr. LODGE. Mr. President, such disturbance as there was came chiefly, I think, from Senators themselves.

Mr. BRANDEGEE. Absolutely.

Mr. LA FOLLETTE. Absolutely.

Mr. POINDEXTER. I ask, in view of the fact that this is the first infraction of the rule, that for the time being the rule be not enforced.

The VICE PRESIDENT. If the Senate does not desire the rule enforced, the Chair will not enforce it.

Mr. LODGE. Mr. President, I think some provision ought to be made by which any country which is a member of the league and carrying out its principles, as it must, in good faith, should have some right reserved to protect itself against sudden inroad or invasion. We may say that is never going to occur. That is the answer which is usually made to most of these things; that it is inconceivable. It is not inconceivable, for it has happened before, and it may happen again. There ought to be some provision to cover it. That is all I venture to suggest.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield.

Mr. NORRIS. Will the Senator permit an interruption?

Mr. LODGE. I will; yes.

Mr. NORRIS. The Senator from Massachusetts, in giving an illustration, used Mexico, and said he assumed that Mexico would not be a member of the league.

Mr. LODGE. Oh, no. I was only assuming that for purposes of illustration. I suppose Mexico will be a member of the league. It does not make any difference whether she disregard her obligations as a member or have none.

Mr. NORRIS. I want to take the Senator's assumption as he gave it. Where is the language in article 12 or 13, which the Senator was discussing that, at least, would apply to that kind of a case? As I read the language there, it applies only between members of the league. It would not apply at all in the case the Senator from Massachusetts has put.

Mr. LODGE. I assume that as to members of the league it will cover it, but I think later on the Senator will find the proposition there about putting nations outside of the league who are not members of the league within the control of the league.

Mr. NORRIS. Yes, I think so.

Mr. LODGE. It comes pretty near to it.

Mr. NORRIS. But the Senator was discussing articles 12 and 13, and got that kind of a construction out of them.

Mr. LODGE. I am perfectly willing to leave it to Mexico as a member of the league. I do not think that being a member of the league is going to alter Mexican character materially, although it may.

Mr. NORRIS. But it would alter the Senator's assumption materially.

Mr. LODGE. No; not at all, because Mexico may break out. I say again there might be an outlaw among nations.

Mr. NORRIS. I call the Senator's attention to the fact that he assumed, in the illustration he gave, that Mexico was not in the league; that we were, and that articles 12 and 13, which he was discussing, would apply to his suggestion.

Mr. LODGE. I specifically said let us assume that for the purpose of argument. I am perfectly willing to drop the assumption and confine it to the exact language of the article, which suits me just as well for illustration.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I can not yield further, Mr. President. I wish to finish. Article 13 reads:

The high contracting parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration—

That is, disputes which a majority of the high contracting parties recognize to be suitable for submission to arbitration—and which can not be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration.

Of course, the only people who can submit a matter to arbitration are the people who are parties to the dispute. Those who have no dispute can not submit anything to arbitration, because they have nothing to submit.

The reason I bring this apparently trivial point up at this time is that it will be well to differentiate these "theys" and show that in one case the reference is to the high contracting parties who agree that any dispute that arises among them suitable for submission shall be submitted, and, in the other that those between whom the dispute arises will submit it. This is clearly the meaning, I think, but it might be expressed a little more luminously.

The executive council "proposes," I suppose, by a majority, although it does not say so; and how binding the proposal is does not appear. I think it ought to be explicitly stated that a majority of the executive council shall have the power to propose and declare whether the proposal is binding or not. The word "propose" does not imply a binding character, I am well aware; but I should like to get rid of one of the implications of which this document is full.

Article 14 provides that "the executive council shall formulate plans for the establishment of a permanent court of international justice."

Then comes article 15, which is very important, and which provides for those disputes "likely to lead to rupture," which are not submitted to arbitration, but which the high contracting parties agree they will refer to the executive council through the secretary general. They are to make their statements of the case there and such recommendations are to be made as the executive council thinks just and proper for the settlement of the dispute, and "if the report is unanimously agreed to by the members of the council other than the parties to the dispute the high contracting parties agree that they will not go to war with any party which complies with the recommendations."

Unless the council is unanimous, I take it, they are at liberty to go to war. And "if any party shall refuse so to comply the council shall propose measures necessary to give effect to the recommendation." There is no explanation of what measures. I presume we must take it to mean all measures. I will not follow the referred dispute through all its tortuous pathway, but it comes eventually to the body of delegates, and in that connection the proposed constitution says:

All the provisions of this article and of article 12 relating to the action of the executive council shall apply to the action and powers of the body of delegates.

This means that the body of delegates, as I take it, must unanimously agree, and if they do not unanimously agree it appears to me to leave the whole matter open. This may be a protection in certain cases, but in other cases, it seems to me, it does not offer a very strong resistance or create a very serious obstacle to war.

Now we come to article 16, which says that—

Should any of the high contracting parties break or disregard its covenants under article 12 it shall thereby ipso facto be deemed to have committed an act of war against all the other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

There can be no doubt, under the conditions given, that we shall be called upon to enter on an economic war with any State on earth, whether a member of the league or not, if that State breaks or disregards any of the covenants relating to arbitration. I merely call attention to it because I venture to think that cutting off our intercourse with another nation and opening our territory to the passage of troops is a very serious promise to make; and I think it ought to be honored with more consideration than perhaps it has yet received.

Article 16 contemplates also the duties of the executive council in such cases "to recommend what effective military or naval forces the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league."

Here it is apparent that there can be no question that the armed forces of the United States are to be called upon for work of this kind; and if we are to act in good faith, it seems to me we are morally bound by this clause to contribute what the executive council recommends to the armed forces called forth to protect the covenants of this league. We may say, their recommendation does not bind, but it certainly binds us morally if we agree to it; and I do not think that we can afford to enter a league of nations for the preservation of the peace of the world with any misunderstanding on a point of this kind. It seems to me that, in any event, this is a direct interference with the power of Congress to raise armies and maintain navies, and we shall be compelled to have a constitutional amendment in order that this provision may be carried out. However, I am not going at this time to enter upon constitutional questions, which are regarded by most advocates of the league as either humorous or academic.

Article 17 refers to the case of disputes between members of the league and other States not members, and makes various provisions raising many of the questions which are raised by the preceding article.

Article 19 is one of the great articles of the proposed constitution. It provides for the States of the league being mandatories and taking charge of other States classified under various descriptions in the article, which I will not read. Oddly enough, it does not say who is to select the mandatories; at least, I can find nothing in the article stating who is to choose the mandatories, whether the body of the delegates or the executive council; nor does it appear whether a mandatory is bound if once selected. I presume not; but it is not stated. I do not think it is hypercriticism to suggest that when a mandatory is to be selected to take charge of the fortunes of another people,

or of another State, there should be some provision for the selection of the mandatory, and it should be made clear, at least, whether the nation so selected is bound.

I am not going into the general question of taking up the work of the mandatories and holding States in tutelage. That was so thoroughly covered by the Senator from Iowa [Mr. CUMMINS] that it is not necessary for me to take the time of the Senate to discuss it further; but I suggest this thought—and I shall keep on suggesting it—that before the United States binds itself in any way it should be made clear to what extent it is bound, for I have no sympathy with the proposition that we can refuse this and refuse that; in other words, that we can violate the principles of the treaty whenever we feel like it. I think that idea ought to be finally dismissed. What we are bound to in honor we are bound to do, and I think whether we should be prepared to take charge of other countries and of other peoples is an important question for the American people to decide. I am not speaking now of States which we are to establish as a result of the war. We must help in the establishment of such States. But that belongs to the German peace. The peace with Germany will settle the boundaries of Poland and the Jugo-Slav and the Czecho-Slovak States and the rest. That is part of the German peace which we are bound to see through; but this article 19 is a promise to enter upon the work of trusteeship for all time, and I venture to think it is very serious and deserves much thoughtful consideration.

Of course article 20, for securing or maintaining fair and humane conditions of labor for men, women, and children, is an article in which everyone must sympathize.

Now, article 21:

The high contracting parties agree that provision shall be made through the instrumentality of the league to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the league—

"Freedom of transit." Does that mean transit by land alone, or does it mean transit by land and water? If it means transit by land and water we shall have to repeal our coastwise laws.

"Equitable treatment for the commerce of all States members of the league." Under that phrase, every tariff duty which any other nation thought was inequitable the league of nations could take hold of, and "recommend" or "advise," or "decide," whatever the word may be. If we leave this loose language there the tariff and all import duties of every nation will come before the league. If we think that there is an unjust discrimination against some American goods by any country we have a right to take it before the league and see if we can not get equitable treatment. I think this opens up a wide field of dispute. It does not seem to me, moreover, that to throw all questions of tariff or of import duties into the jurisdiction of the league can do anything to promote peace. I think, on the contrary, it will be a breeder of dissension. I do not see how it can be anything else.

That is the first very vital objection to it in my mind; but I also have a feeling—and, of course, I am aware it is an old-fashioned one—that the Constitution gives to the House of Representatives the right to originate all bills to raise revenue; and this meddling of the league with tariff rates, of course, would affect revenue very seriously.

Next come the international bureaus, in article 22, to which no one would object.

Then comes article 23, which provides that no such treaty or international engagement, when once made, shall be binding until it has been registered by the secretary general. Our Constitution says that it shall become binding after it has been ratified by the Senate and ratifications have been exchanged; and this seems to add a new condition to the constitutional conditions. I am told by friends of this treaty that we can hold back ratification until the registry has taken place, but while this ingenious scheme undoubtedly slips by the Constitution, it seems to me that it would be just as well to make it plain and avoid a constitutional objection which would get into our courts if nowhere else.

Article 24 is not very clear, but it says:

It shall be the right of the body of delegates from time to time to advise the reconsideration by State members of the league of treaties which shall become inapplicable and of international conditions of which the continuance may endanger the peace of the world.

I confess I do not clearly understand what is meant by this. I have no doubt that there are Senators, who like the league just as it is printed, who perhaps can explain that thoroughly; but "international conditions of which the continuance may endanger the peace of the world" and "the league of treaties"—I think it must be misprinted; but, at all events, it needs some examination.

Article 25 provides that we solemnly engage not to enter hereafter into any engagements inconsistent with the terms of the

league of nations. Now, that is a distinct limitation upon the treaty-making power of the Constitution. That is a new provision which must be added, in my judgment, by constitutional amendment if this article remains unchanged. The Constitution gives us very well-defined powers as to treaty making, and here we promise that we will not enter upon any engagement inconsistent with the terms of the league of nations. The object is excellent, of course, but it nevertheless raises a very obvious constitutional difficulty.

The provision for amendments to the constitution of the league makes amendment very difficult, if not practically impossible. That is another reason why I am anxious, perhaps unduly anxious, as to the importance of getting this article clear and precise now, before we are asked to approve it. When our Constitution was formed we had in the convention some 50 of the ablest men in the country, and some of the ablest men, I believe, in the world. They took some three months, as I recall, in their work. They had a committee on style, headed by Gouverneur Morris, and that is the reason the language of the Constitution of the United States is so extremely clear, precise, and excellent; and yet, precise and clear as those articles are, under them, and especially under the grant in regard to commerce between the States, have arisen questions the decisions of which by the Supreme Court would fill volumes, showing the extreme difficulty and also the need of extreme care in phraseology. I think a committee on style in this league, to redraft the proposed constitution and put it in legal language, would not have been amiss.

Finally, as I come to the end, the Senate will observe that there is no provision for withdrawal. That is very important. We are making an indissoluble treaty. The old fashion of treaties, always beginning by swearing eternal friendship, common certainly as late as the seventeenth century, has been abandoned in modern times entirely. Almost all treaties now contain provisions for terminating the treaty on due notice. Others limit the life of the treaty. An indissoluble treaty, without the right of withdrawal, is very unusual.

It has been pointed out to me—not once but many times—that we can abrogate, that we can violate, that we can overrule any treaty by the action of Congress. I know that. We can denounce it. I know that. I think, however, that to form a league of this kind and leave it in such a form that no nation can get out of it except by abrogation, by violation, or by denunciation—action which usually in the intercourse of nations means war—is very serious. If the right of withdrawal were preserved, a nation could withdraw—on due notice, of course—without shattering the league or impairing in any way the sanctity of treaties. It seems to me there ought to be some such provision. If you leave a country—I am not speaking merely of the United States—tied hard and fast, so that they can not get out of this league without tearing everything to pieces by denouncing it or by abrogating it or violating it, you create a situation which in my mind does not promote the peace of nations, but the very reverse.

I have seen here not so many years ago an occasion when, in a burst of passion, the House of Representatives swept away a treaty with a friendly nation, which contained provisions for notice and withdrawal, without any regard for the terms of the treaty. The resolution was modified here so as to avoid insult and offense; but that was the way it passed the House in a moment of anger and excitement. Passion and emotion are not going to perish or die out of men because we sign an agreement for a league of nations. They will remain. The case to which I have referred, which was with Russia, involved the good relations of the United States with one nation; but such treatment of the provisions of the league would involve a similar feeling on the part of all nations of the earth, practically all members of the league. I think this is a very serious danger, a danger to the peace of the world which we are all seeking to promote. It must be avoided by a simple amendment.

Thus, very imperfectly, I have reviewed these articles. I have stated some of the doubts and questionings which have arisen in my own mind, and I could print in the RECORD letters which I have received showing other points and questions which have occurred to other minds. This demonstrates the uncertainties which cloud this instrument from beginning to end. When the United States enters into an indissoluble permanent alliance there ought to be, as I have said, no uncertainties in the terms of the agreement. I earnestly desire to do everything that can be done to secure the peace of the world, but these articles as they stand in this proposed constitution seem to give a rich promise of being fertile in producing controversies and misunderstandings. They also make some demands which I do not believe any nation would submit to in a time of stress. Therefore this machinery would not promote the peace of the world, but would

have a directly opposite effect. It would tend to increase the subjects of misunderstanding and dispute among the nations. Is it not possible to draft a better, more explicit, less dangerous scheme than the one here and now presented? Surely we are not to be shut up to this as the last and only word to take or leave.

To those who object that the criticism of this tentative draft plan of the committee of the peace conference must be not only destructive but constructive it might be said that the burden of proof lies upon those who propose, in order to establish the future peace of the world, that the United States must curtail its independence, part with a portion of its sovereignty, and abandon all the international policies which have been so successful for more than a hundred years. Those who support the present draft of the constitution for the league must demonstrate that it is an improvement before they can expect its general acceptance. But the Senate can not at this time undertake to make plans for a league, because we are in the process of negotiation, and the Senate does not begin to act until the stage of ratification is reached. At the same time there are certain constructive propositions which it would be well, I think, for the peace conference to consider. If it is said that you can preserve the Monroe doctrine by extending it, which appears to me clearly to mean its destruction and to be a contradiction in terms, then let us put three lines into the draft for the league which will preserve the Monroe doctrine beyond any possibility of doubt or question. It is easily done. Let us also have, if we enter the league, a complete exclusion from the league's jurisdiction of such questions as are involved in immigration and the right of each country to say who shall come within its borders and become citizens. This and certain other questions vital to national existence ought to be exempted from any control or jurisdiction by the league or its officials by a very few words, such as can be found in the arbitration treaties of 1907. There should be some definite provision for peaceful withdrawal from the league if any nation desires to withdraw. Lastly, let us have a definite statement in the constitution of the league as to whether the league is to have an international force of its own or is to have the power to summon the armed forces of the different members of the league. Let it be stated in plain language whether the "measures," the "recommendations," or the suggestions of the executive council are to be binding upon the members of the league and are to compel them, technically or morally, to do what the league delegates and the executive council determine to be necessary. On the question of the use of force we should not proceed in the dark. If those who support the league decline to make such simple statements as these—I mean statements in the body of the instrument, not individual statements—it is impossible to avoid the conclusion that they are seeking to do by indirection and the use of nebulous phrases what they are not willing to do directly, and nothing could be more fatal to the preservation of the world's peace than this, for every exercise of power by the executive council which the signatories to the league might fairly consider to be doubtful would lead to very perilous controversies and to menacing quarrels.

Unless some better constitution for a league than this can be drawn, it seems to me, after such examination as I have been able to give, that the world's peace would be much better, much more surely promoted, by allowing the United States to go on under the Monroe doctrine, responsible for the peace of this hemisphere, without any danger of collision with Europe as to questions among the various American States, and if a league is desired it might be made up by the European nations whose interests are chiefly concerned, and with which the United States could cooperate fully and at any time, whenever cooperation was needed. I suppose I shall make myself the subject of derision for quoting from the Farewell Address, but it states a momentous truth so admirably that I can not refrain from giving it, for I think it ought to be borne in mind. Washington says:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

It must also be remembered that if the United States enters any league of nations it does so for the benefit of the world at large, and not for its own benefit. The people of the United States are a peace-loving people. We have no boundaries to rectify, no schemes, and no desires for the acquisition or conquest of territory. We have in the main kept the peace in the American hemisphere. The States of South America have grown constantly more stable, and revolutions have well-nigh disappeared in the States south of those bordering on the Ca-

ribbean. No one questions that the United States is able to prevent any conflicts in the American hemisphere which would involve the world in any way or be more than passing difficulties, which in most cases could be settled by arbitration. If we join a league, therefore, it must be with a view to maintaining peace in Europe, where all the greatest wars have originated, and where there is always danger of war, and in Asia, where serious conflicts may arise at any moment. If we join a league, of course, we have in mind the danger of European conflicts springing up in such a way as to involve us in the defense of civilization, as has just happened in the war with Germany. But such wars as that are, fortunately, rare; so rare that one has never before occurred, and when the time came we took our part; but in the main our share in any league must be almost wholly for the benefit of others. We have the right, therefore, to demand that there shall be nothing in any agreement for the maintenance of the world's peace which is likely to produce new causes of difference and dissension, or which is calculated to injure the United States, or compel from us undue sacrifice, or put us in a position where we may be forced to serve the ambitions of others. There is no gain for peace in the Americas to be found by annexing the Americas to the European system. Whatever we do there we do from almost purely altruistic motives, and therefore we are entitled to consider every proposition with the utmost care in order to make sure that it does not do us injustice or render future conditions worse instead of better than they are at present.

To me the whole subject is one of enormous difficulties. We are all striving for a like result; but to make any real advances toward the future preservation of the world's peace will take time, care, and long consideration. We can not reach our objects by a world constitution hastily constructed in a few weeks in Paris in the midst of the excitement of a war not yet ended. The one thing to do, as I said in the Senate some time ago, and that which I now wish above all others, is to make the peace with Germany—to make a peace which by its terms will prevent her from breaking out again upon the world; to exclude Turkey from Europe, strengthen Greece, and give freedom and independence to the Armenians and to the Jewish and Christian populations of Asia Minor; to erect the barrier States for the Poles, Czecho-Slovaks, and Jugo-Slavs; to take possession of the Kiel Canal; to establish the Baltic States and free them from Russia and restore Danish Schleswig to Denmark. Provision must be made for indemnities or reparation, or by whatever name we choose to call the damages to be exacted from Germany. We ought, in my judgment, to receive indemnities which would enable us to provide for the *Lusitania* claims and for the destruction of our ships by submarines—to go no further. But the enormous losses of England and Italy in shipping should be made good, either in money or in kind. Belgium must be restored and fully compensated for her terrible injuries.

Finally there is France, and the indemnities to France ought to be ample and complete. The machinery taken from her factories should be restored. The cattle driven from her fields should be brought back. The debt of the free and civilized world to France is incalculable. Our own debt to her is very large. France has been our outpost and our bulwark. She has bared her breast to the storm and stood between us and the advancing hordes of Germany in the darkest days. It was France, aided by the small but gallant army of England, which checked the onrush of the Germans at the first battle of the Marne. It is her land which has been desolated and her villages and cities which have been destroyed. She should have compensation to the utmost limit in every way. Eternal justice demands it. But it is also to our immediate and selfish interest as a Nation that France should be made as strong as possible. Alsace and Lorraine she must have without question and without reduction, and other barriers if necessary to make her impregnable to German assault, for on the strength of France more than anything else, because she is the neighbor of Germany, rests the future peace of the world. We ought then to make this peace with Germany and make it at once. Much time has been wasted. The delays have bred restlessness and confusion everywhere. Germany is lifting her head again. The whining after defeat is changing to threats. She is seeking to annex nine millions of Germans in German Austria. She is reaching out in Russia and reviving her financial and commercial penetration everywhere. Her fields have not been desolated nor her factories destroyed. Germany is again threatening, and the only source of a great war is to be found in the future as in the past in Germany. She could be chained and fettered now and this menace to the world's peace should be removed at once. Whatever else we fought for certainly our first and paramount purpose was to defeat Germany. The

victory over Germany is not yet complete. Let it be made so without delay.

That which I desire above everything else, that which is nearest to my heart, is to bring our soldiers home. The making of a league of nations will not do that. We can only bring our soldiers home, entirely and completely, when the peace with Germany is made and proclaimed. Let that peace be made and I can assure the world that when the treaty of peace with Germany comes to this Chamber there will be no delay in the Senate of the United States. We must bring our men back from France—the men who fought the war, the men who made the personal sacrifice. Let us get them back at once, and to that end let us have the peace made with Germany, made now, and not delay it until the complicated questions of the league of nations can be settled with the care and consideration which they demand. What is it that delays the peace with Germany? Discussions over the league of nations; nothing else. Let us have peace now, in this year of grace 1919. That is the first step to the future peace of the world. The next step will be to make sure if we can that the world shall have peace in the year 1950 or 2000. Let us have the peace with Germany and bring our boys home.

This is the immediate thing to do toward the establishment of the world's peace, but there is an issue involved in the league constitution presented to us which far overshadows all others. We are asked to depart now for the first time from the foreign policies of Washington. We are invited to move away from George Washington toward the other end of the line at which stands the sinister figure of Trotsky, the champion of internationalism.

We have in this country a Government of the people, for the people, and by the people, the freest and best Government in the world, and we are the great rampart to-day against the anarchy and disorder which have taken possession of Russia and are trying to invade every peaceful country in the world. For Lincoln's Government of the people, for the people, and by the people we are asked to substitute in the United States on many vital points government of, for, and by other people. Pause and consider well before you take this fateful step. I do not say that agreements may not be made among the nations which stand for ordered freedom and civilization, which will do much to secure and preserve the peace of the world; but no such agreement has yet been presented to us. We must beware of the dangers which beset our path. We must not lose by an improvident attempt to reach eternal peace all that we have won by war and sacrifice. We must build no bridges across the chasm which now separates American freedom and order from Russian anarchy and destruction. We must see to it that the democracy of the United States, which has prospered so mightily in the past, is not drawn by any hasty error or by any glittering delusions, through specious devices of supernational government, within the toils of international socialism and anarchy. I wish nothing but good to all the races of men. I hope and pray that peace, unbroken peace, may reign everywhere on earth. But America and the American people are first in my heart now and always. I can never assent to any scheme no matter how fair its outward seeming which is not for the welfare and for the highest and best interest of my own beloved people of whom I am one—the American people—the people of the United States.

Before the conclusion of Mr. LODGE's speech,

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Massachusetts will suspend for a moment. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The report of the committee of conference upon the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

After the conclusion of Mr. LODGE's speech,

Mr. HITCHCOCK. Mr. President, I rise particularly for the purpose of referring to what appears to me a scandalous article in one of the great papers this morning. Before I take it up, however, and while the idea is fresh in my mind—

Mr. LODGE. Does the Senator from Nebraska say I referred to it?

Mr. HITCHCOCK. No; I do not.

Mr. LODGE. I have seen no paper this morning.

Mr. HITCHCOCK. I am not charging the Senator with anything. I am going to exonerate him.

While the idea is fresh in my mind, however, and before it gets out of the minds of those present, I desire to repudiate the suggestion contained in the speech of the Senator from Massachusetts [Mr. LODGE] that this league will in the slightest degree limit the privilege and the duty of any nation—the United States or any other—to defend itself when attacked,

to protect its territory and protect its rights when invaded either by a member of the league or one not a member of the league. That suggestion struck me as so preposterous that I can not allow it to remain in the mind of anyone as a possibility.

Mr. LODGE. Of course, if the Senator will allow me, I only want to say it may have struck the Senator from Nebraska as preposterous, but there are other minds, and my point is only emphasized by what he says. He takes one view, honestly, I am sure, and I take another, honestly, I am sure. Let us have it stated in the instrument what it does mean.

Mr. HITCHCOCK. The whole league is for the purpose of preventing wars from starting. When war starts against a nation its supreme right of self-defense supersedes everything else, as the Senator knows.

Mr. LODGE. The Senator has no right to say I know. It does not appear under this instrument.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I have yielded, and the Senator from Massachusetts has spoken.

What I rose particularly to take up is an article in this morning's New York Sun, which specifically mentions the names of a number of Senators now present, most of whom attended a conference and dinner at the White House as guests of the President night before last. Let me read a part of the article:

At midnight last night and early this morning Senators and Representatives who had labored to penetrate Mr. Wilson's mind and to understand his policies were themselves so weary and mind muddled that they were unable to discuss coherently what had taken place.

This afternoon when they had opportunity to get together to compare notes and to check up one another's recollections they were able to present a clear account of the conversation. The result of this symposium is indeed amazing.

Before I read some of these alleged statements of Senators, permit me to call attention to the fact that there has been a strong desire in Congress, and particularly in the Senate, that the President should take into his confidence the Members of this body; that, responding to that natural desire and doing it as soon as he could after a draft had been made of the proposed constitution, he invited by cable the members of the Senate Committee on Foreign Relations and the members of the House Committee on Foreign Affairs to dine with him in Washington almost immediately upon his arrival. Senators went there as his guests. Senators were treated as his guests, and I am sure that there is not a Senator here who will question my statement when I say the hospitality and the reception, the treatment and the conversation on the part of the President, were generous, frank, and sincere. He took the Members present into his confidence fully. He answered all questions specifically and definitely and candidly. He allowed himself to be cross-examined, as the Senator from Mississippi [Mr. WILLIAMS] suggests to me. Now, is it possible that any Senator coming from such hospitality could use language which has been attributed to Senators in this body? I say it is not; and on behalf of the Senators who are quoted here I here and now specifically deny that they made the statements attributed to them.

First I quote how the paper says Senator BRANDEGEE, of Connecticut, expressed himself:

I feel as if I had been wandering with Alice in Wonderland and had tea with the Mad Hatter. When I awakened this morning I expected the White Rabbit waiting to go to breakfast with me.

The article continues:

Senators and Representatives who went to the dinner and heard Mr. Wilson deliver a prose poem eulogizing the British-Wilson league-of-nations plan and who tried by persistent questioning to get detailed information about the plan declare they marveled at Mr. Wilson's apparent ignorance about some parts of the league's constitution. This astonished and embarrassed most of the men, who, pressing question after question upon the President, finally became aware of his lack of precise knowledge concerning all of the 26 articles.

Nothing more preposterously false could be stated, and I aver now that there is not a Senator or Representative who will indorse such a statement, let alone originate it. The President was frank and candid. He opened his heart on international questions, and without having a copy of the constitution before him he talked freely and fluently to the Senators and Representatives, who had copies from which they were reading.

Mr. WILLIAMS. He made no speech.

Mr. HITCHCOCK. As the Senator from Mississippi suggests, the President made no speech. He put himself voluntarily in the witness box and said he was ready to answer questions and be cross-examined. There could not have been more complete, candid, and generous treatment afforded to those who were his guests and who are interested in this subject and who have responsibilities as the President has.

But let me continue to quote from the article:

One Senator said to the Sun correspondent: "Believe me, I felt the same blushing embarrassment that used to come over me as a small boy when some boy friend with a balky memory forgot the piece he was bidden to recite and broke down in the middle of it."

Think of attributing such language to a Senator of the United States—"believe me."

Touching on this matter, the impressions of several Senators may be found interesting.

Senator KNOX of Pennsylvania remarked to a group of friends: "The President displayed amazing lack of familiarity with the proposed league constitution."

Senator LODGE of Massachusetts, putting the thought another way, said: "The President seemed actually befuddled about many most important points."

Senator WILLIAM ALDEN SMITH of Michigan confided: "The President's ignorance of the terms of the covenant was amazing."

Senator BRANDEGEE of Connecticut said: "With the wide-open eyes of an ingénue, the President met every legal constitutional or common-sense question with glittering generalities. Even more interesting were totally unexpected admissions the President was induced to make. It is the opinion of a number of Senators that unwittingly, perhaps, he has slain the infant of his dreams by these confessions."

I renew my statement on behalf of the Senators named and deny that they used any such language in reference to the President of the United States, the host of the evening.

Pressed by men eager for scraps of information, prominent among whom were Senator BRANDEGEE, Representative HENRY W. TEMPLE of Pennsylvania, and WILLARD RAGSDALE of South Carolina, the President stated with finality that—

I shall not read all the statements the President is charged with stating with finality, but I will read those that are absolutely and unqualifiedly false.

One of the statements was that he was charged with stating with finality:

The United States must surrender vital points of sovereignty.

The President made no statement which by any possible stretch of the imagination could be distorted into such a statement.

Ireland is to be left to the mercies of England.

The President made no statement that by any possibility could be stretched or interpreted to mean anything of that sort, Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Will the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. Would it be permissible for the Senator to state what the President did say with reference to Ireland.

Mr. HITCHCOCK. The President practically stated nothing with reference to Ireland. The Irish question was not under consideration.

Mr. BORAH. But there were questions asked?

Mr. HITCHCOCK. There was a question asked which was greeted with laughter, and there was nothing more said about it. It was not an issue in the conversation and had nothing to do with it. We were not discussing internal questions but international questions.

Mr. BORAH. Does the Senator say the President made no response to the question which was presented to him with reference to the independence of Ireland?

Mr. HITCHCOCK. It was not a serious question presented; it was not presented in a serious way.

Mr. BORAH. Pardon me. Does the Senator say the President made no response to it?

Mr. HITCHCOCK. I do. However, the Senator from Mississippi [Mr. WILLIAMS] corrects me. He says the President stated that the league had nothing to do with domestic and internal questions. He did state that; he stated it several times during the evening; and in stating it he said the league had nothing to do with the immigration question. This question has been raised here as a great bugaboo against the league of nations, the attempt being made to arouse prejudice against the league of nations by construing it to bring the Japanese immigration question into the realm of arbitration.

Mr. BORAH. Then, if I understand the Senator correctly, what the President said with reference to the question, since he has raised the question himself with reference to Ireland, was that the league had nothing to do with it.

Mr. HITCHCOCK. The Senator from Mississippi [Mr. WILLIAMS] recollected that.

Mr. BORAH. And that was a matter, therefore, with which the league had nothing to do, but which must necessarily be settled by Ireland and England?

Mr. HITCHCOCK. The Senator can draw his own conclusion. It evidently and obviously is not an international question at this time with which the league has to do.

Mr. BORAH. Then, if the league has nothing to do with it, of course it must be left where it was before, between Ireland and England?

Mr. HITCHCOCK. The Senator can draw his own conclusion. I am dealing with facts. I am dealing with the fact that one of the great papers of the country has arraigned Senators of the United States as guilty of the grossest violation of a decent respect for an intimate conference at a hospitable entertainment.

Mr. BORAH. But, Mr. President, the Senator is attacking an article in a paper and, indirectly, Senators.

Mr. HITCHCOCK. No; I am defending Senators; I am not attacking Senators.

Mr. BORAH. Yes; I observe. The Senator now admits that the question which the paper discusses was brought up, and that the President did make an answer.

Mr. HITCHCOCK. The Senator from Mississippi [Mr. WILLIAMS] corrected me when I said the President made no answer. It passed so momentarily that I did not recall that he made any answer. The Senator from Mississippi states that he made the answer that domestic and internal questions were not subjects of the league's jurisdiction; and, of course, he did state that. He stated it repeatedly during the evening when domestic questions were presented.

Mr. BORAH. If the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Nebraska [Mr. HITCHCOCK] are at a difference as to what the President said upon that important matter, other Senators might have understood it in a different way.

Mr. HITCHCOCK. I accept the recollection of the Senator from Mississippi, as it is very definite.

I come, now, to another—

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I yield.

Mr. POINDEXTER. The Senator from Nebraska, as I understood him, stated a moment ago that the President, in this conference, stated that the league of nations would have nothing to do with the question of Japanese immigration. I wish to ask the Senator, if I understood him correctly, how the President could make that statement in view of article 12 of the constitution of the league of nations, which provides that:

The high contracting parties agree that should disputes arise between them which can not be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the question and matters involved either to arbitration or to inquiry by the executive council and until three months after the award by the arbitrators or a recommendation by the executive council; and that they will not even then resort to war as against a member of the league which complies with the award of the arbitrators or the recommendation of the executive council.

Mr. HITCHCOCK. I can not take the time of the Senate just now to enter into a discussion with the Senator from Washington of the merits of the league of nations. I did not rise for that purpose, but I will say to him that it is very obvious from the reading of the constitution, and it was very obvious from conversation with the President, that the league is intended only for the purpose of assisting in the settlement of disputes which may arise on international questions; and questions like immigration and marriage and divorce and the voting franchise and all other domestic questions remain solely and only in the keeping of every nation member of the league.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Washington?

Mr. HITCHCOCK. I hope the Senator will not press his interruptions.

Mr. POINDEXTER. I merely wish to ask the Senator a question. Does the Senator deny that the dispute between the United States and Japan over Japanese immigration, which was particularly of concern on the Pacific coast, was an international question?

Mr. HITCHCOCK. I affirm that immigration to this country or emigration from this country is purely a domestic question; that every country has the right to protect its citizenship; that every country has the right to say what aliens shall be allowed to come to its shores. It is sometimes provided by treaty with various countries who will be allowed to come.

Mr. POINDEXTER. Of course, what effect the constitution of the league would have upon this question must be determined by the language of the proposed constitution, which I just read, and not by what the President says about it.

Mr. HITCHCOCK. Japan evidently realizes the utter impossibility of bringing the Japanese question under the jurisdiction of the league. The mighty effort which Japan made in Paris to secure a declaration of the conference that race equality should be recognized and no discrimination made because of race was voted down unanimously by the members of the conference. When Japan failed in that she lost the last shred of

hope of bringing the immigration question within the jurisdiction of the league, if she desired to do so.

Mr. POINDEXTER. Notwithstanding that, here is a provision which covers every question which can be conceived of, absolutely without limitation or exception.

Mr. HITCHCOCK. Well, that is where the Senator and I differ.

Now, I come to the next statement which the President is charged with having made with finality:

Chinese and Japanese exclusion goes out of American control into the hands of league control.

The exact opposite of that was the unqualified declaration of the President in answer to definite questions, because the President stated with finality and energy that the immigration question was a question purely and entirely domestic and wholly within the control of the United States. The statement was unqualified. That is one reason why I do not think this correspondent got this incorrect quotation from a Senator. I can not conceive of any Senator willing to misrepresent the matter or with not having intelligence enough to understand what the President said.

This is another statement which the President is said to have made with finality:

American troops would be compelled at need to participate in purely European wars.

The President made no such statement. That might be concluded by some Senator in reading the constitution, as the Senator from Massachusetts [Mr. LODGE] has concluded, but the President did not make it.

In conclusion, I desire to say that one of the paragraphs reads as follows:

Every Senator, KNOX, LODGE, BRANDEGEE, McCUMBER, HITCHCOCK, and naming a few who discussed the dinner to-day, agreed that the President actually made these statements or admissions.

I have not seen this article until a few minutes ago. I had not any knowledge that anybody pretended that the President had made such statements. I certainly made no admission of the sort, and I deny, on behalf of my colleagues, that they made any such statements.

THE CALENDAR.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. The Chair calls the attention of the Senate to the unanimous order entered last night.

Mr. MYERS. Mr. President, I call for the regular order under that agreement.

The PRESIDING OFFICER. On page 4396 of the CONGRESSIONAL RECORD of February 27 occurs the following:

Mr. MYERS. I ask unanimous consent that at the close of morning business to-morrow morning the Senate proceed to the call of the calendar for unobjected bills, and continue the call until the calendar is called once in its entirety for unobjected bills only.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The attention of the present occupant of the chair, who was not in the Senate at the time of the entry of this order and who did not personally know of it, was not called to the unanimous-consent agreement at the expiration of the morning hour. At 12 o'clock, when the morning hour expired, that automatically closed the unfinished business, and it was in order, under the unanimous-consent agreement which the Chair has just quoted, to proceed to the call of the calendar. The Senator from Massachusetts [Mr. LODGE] was occupying the floor, and the Chair, not having his attention called to the order, laid down the unfinished business, which was the conference report on the census bill. The Chair holds that it is in order, under the unanimous-consent agreement heretofore quoted, only to proceed with the call of the calendar for unobjected bills. The Secretary will therefore call the first bill on the calendar.

Mr. SHEPPARD. Mr. President, I ask that the unfinished business be temporarily laid aside until the call of the calendar shall have been finished.

The PRESIDING OFFICER. Without objection, that will be done. The Chair hears none, and it is so ordered. The Secretary will now state the first business on the calendar.

The joint resolution (S. J. Res. 39) to appropriate \$3,000,000 to enable the Secretary of Agriculture to prosecute the work of eradicating the southern cattle tick was announced as first in order.

Mr. SMOOT. Let that resolution go over, Mr. President.

The PRESIDING OFFICER. The joint resolution goes over.

The joint resolution (S. J. Res. 53) authorizing the President to appoint two additional Assistant Secretaries of Agriculture, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 1725) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes, was announced as next in order.

Mr. LENROOT and Mr. SWANSON. Let that bill go over. The PRESIDING OFFICER. The bill goes over.

The resolution (S. Res. 91) extending the authority of and provision for the committee appointed under S. Res. 92, Sixty-third Congress, first session, to investigate the charges of alleged attempts to influence legislation was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution goes over.

The bill (S. 23) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State University of the State of Nevada was announced as next in order.

Mr. JONES of Washington. Let that go over, Mr. President. The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States was announced as next in order.

The PRESIDING OFFICER. Let that bill go over.

Mr. BRANDEGEE. Mr. President, has that bill been objected to?

The PRESIDING OFFICER. Yes.

Mr. BRANDEGEE. Who made the objection?

The PRESIDING OFFICER. The present occupant of the chair.

Mr. BRANDEGEE. Very well.

The bill (S. 3311) to increase and expedite the supply of munitions of war was announced as next in order.

Mr. SWANSON. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 951) to provide for the sinking of artesian wells, and for other purposes, was announced as next in order.

Mr. WILLIAMS and Mr. OVERMAN. Let that bill go over. The PRESIDING OFFICER. The bill goes over.

The bill (S. 758) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. TRAMMELL. Mr. President, while that bill is before the Senate I desire to offer some amendments to it, which I ask may lie on the table and be printed.

The PRESIDING OFFICER. Without objection, the amendments will be received and ordered to be printed. The Chair hears none.

The amendments referred to are as follows:

On page 2, in line 20, section 2, following the words "swamp lands" insert "in any of the States of the Union."

On page 4, in line 11, section 3, strike out the word "voted" and insert in lieu thereof "authorized in accordance with State irrigation or drainage laws."

On page 4, in lines 12 and 13, strike out the words, "not to exceed 4 per cent per annum."

The joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from \$2 to \$2.50 per bushel was announced as next in order.

Mr. SWANSON. Let that joint resolution go over.

The PRESIDING OFFICER. The joint resolution goes over.

The bill (S. 3899) to repeal the sixth section of an act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," was announced as next in order.

Mr. OWEN. Mr. President, the bills from Order of Business 332 down to Order of Business 368 were reported from the Banking and Currency Committee. They have been repeatedly objected to; and it is so late now in the session that it would be impossible to get any action of the House upon them. While some of them are of importance, I do not desire to take the time of the Senate to simply have them objected to one by one. I therefore object to the present consideration of the bills from Order of Business 332 down to and including Order of Business 368.

The PRESIDING OFFICER. The bills referred to by the Senator from Oklahoma being objected to by him go over.

The bill (S. 3260) to remove the charge of desertion from the record of Wilbur F. Lawton was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4459) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. J. Res. 249) to print the article entitled "The Electoral College and Presidential Suffrage" as a Senate document was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The joint resolution goes over.

The bill (S. 4221) for the relief of private owners of lands within or near the Bitter Root National Forest, Mont., was announced as next in order.

Mr. LENROOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The bill (S. 4366) to amend section 5 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes," approved June 23, 1913 (38 Stat. L., pp. 4, 75), was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

Mr. JONES of Washington. I want to suggest to the Senator from North Carolina that that bill only relates to the distribution of public documents to public libraries.

The PRESIDING OFFICER. Is there objection to the request to proceed with the consideration of the bill?

Mr. OVERMAN. It is an amendment to the sundry civil bill.

The PRESIDING OFFICER. Objection has been made.

Mr. JONES of Washington. I thought probably if I merely called attention to the character of the bill the objection to it would be withdrawn.

The PRESIDING OFFICER. But the Chair calls the attention of the Senator from Washington to the fact that debate is not in order, and the Chair is compelled to enforce the rule.

Mr. JONES of Washington. But there may be debate of five minutes under the regular rule.

The PRESIDING OFFICER. Not under this unanimous-consent agreement.

Mr. JONES of Washington. I thought if I merely called the attention of the Senator from North Carolina to the character of the bill he might withdraw his objection. That is all I desired to do. I do not want to discuss the bill. This bill relates to the distribution of public documents to public libraries.

Mr. OVERMAN. The only objection I have to it is that it proposes an amendment to a bill that has not yet come over to us.

Mr. JONES of Washington. This relates to a bill which has already passed.

Mr. OVERMAN. Then I will withdraw my objection.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States—

Mr. JONES of Washington. The Senator from North Carolina withdraws his objection to the consideration of the bill, I will say to the Chair.

Mr. KENYON. May I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KENYON. As suggested by the Senator from Washington, if a Senator objects to a bill, is there not opportunity afforded to those who favor the bill to call attention to what the bill is, when possibly the Senator objecting may withdraw his objection, as has been done in this case.

The PRESIDING OFFICER. The Chair suggests to the Senator from Iowa that that could be done privately, but under the rule governing this unanimous-consent agreement, and under that agreement itself, debate is not in order.

Mr. KENYON. If a Senator had to go to every other Senator privately to explain a bill in order to get him to withdraw his objection to its consideration, it seems to me it would not work very well.

The PRESIDING OFFICER. The Senator, of course, understands that the right to debate a measure at all is the right of unlimited debate.

Mr. BRANDEGEE. Mr. President, has it not been the custom to recognize a Senator long enough to ask the Senator objecting if he would not withdraw his objection?

The PRESIDING OFFICER. When no objection is made; but when an objection is made, it is, of course, the duty of the Chair to enforce the rule.

Mr. BRANDEGEE. When objection has been made, has not the custom been that a Senator could ask if the Senator making the objection would not withhold the objection for a minute?

The PRESIDING OFFICER. In this case objection was made and repeated.

Mr. BRANDEGEE. I know; but, if my recollection serves me, I have seen Senators always given an opportunity to ask the Senator objecting if he would not withhold the objection for a minute.

The PRESIDING OFFICER. That may be done by unanimous consent, and debate may be had with unanimous consent; but when an objection is made, the Chair must enforce the rule.

Mr. BRANDEGEE. I do not think a query like that would be debate.

The PRESIDING OFFICER. The Chair, of course, is compelled to hold that it does constitute debate. Any remarks upon a bill of whatever nature constitutes debate under the well-known rules of parliamentary law.

Mr. BRANDEGEE. Of course; but in this case the remarks, not being upon the bill, but an appeal to the courtesy of the Senator to withdraw his objection, I thought it might be in order.

The PRESIDING OFFICER. That is held to be debate by all of the precedents with which the present occupant of the chair is familiar.

The Chair calls the attention of the Senator from Washington to the pending bill and inquires whether amendments are to be presented?

Mr. JONES of Washington. I have no amendment to present. Mr. CHAMBERLAIN. Mr. President, this is Calendar No. 449, is it not?

Mr. LA FOLLETTE. Yes.

Mr. CHAMBERLAIN. It makes a slight amendment in a sundry civil act heretofore passed.

The PRESIDING OFFICER. The Chair was informed by the Secretary that there were notations on the bill to the effect that amendments were to be made. Of course, that does not constitute a formal amendment, and perhaps should not be presented to the Senate, but, at the suggestion of the Secretary, the matter is called to the attention of the Senate.

Mr. SMOOT. Mr. President, I think that I called attention to the proposed amendments when the bill was up once before, and I now move to strike out the word "depositories," in line 2, on page 2, and insert in lieu thereof the word "depositories."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SMOOT. Also in line 4, where it reads "may be made when librarians," I move to strike out "librarians," and insert "libraries."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3269) to remove the charge of desertion from the military record of John H. Armstrong was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3379) to authorize the Secretary of the Interior to exchange public coal lands for private coal lands in certain cases was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2898) to provide for the erection of a public building at Knoxville, Knox County, Tenn., was announced as next in order.

Mr. LENROOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ELIZABETH T. WELLS.

The bill (S. 1930) for the relief of Elizabeth T. Wells was announced as next in order.

Mr. SMOOT. I wish to ask the Senator from Colorado to kindly explain the bill. It is a bill for the relief of Elizabeth T. Wells.

Mr. SHAFROTH. Mrs. Wells is the widow of Charles Wells, who enlisted in the service, as I understand, under the first call of President Lincoln for 90 days, obtained a furlough, and did not return to duty, thinking his contract with the Government had expired. For that reason it seems to me that the relief ought to be granted.

Mr. SMOOT. The only way in which a pension can be secured for Mrs. Wells is to first pass a bill removing the charge of desertion from her late husband, and then the question of whether or not she shall receive a pension should go to the Committee on Pensions and not to the Committee on Military Affairs. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. SHAFROTH. This bill does not grant any pension.

Mr. SMOOT. That is what it is designed to do.

Mr. SHAFROTH. It simply seeks to remove a charge of desertion.

The PRESIDING OFFICER. It is not in order to debate the bill, and, under objection, it goes over.

BILLS PASSED OVER.

The bill (S. 1857) for the relief of Patrick McMahon was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3802) for the relief of John L. O'Mara was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL BUDGET SYSTEM.

The joint resolution (S. J. Res. 121) creating a commission to report a plan for the adoption of a national budget system was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. There is an amendment pending which the Secretary will state.

The SECRETARY. In section 4, on page 4, line 5, after the word "resolution," it is proposed to insert the words "within the limit of the amount appropriated in section 5," so as to make the section read:

Sec. 4. That said commission is authorized to employ such experts and such clerical assistance as may be necessary to carry out the provisions of this resolution within the limit of the amount appropriated in section 5.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS PASSED OVER.

The bill (S. 4891) making certain officers of the Army eligible for appointment as chief of staff corps and departments was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4852) to create an executive department in the Government to be known as the department of aeronautics, and for the appointment of a secretary of aeronautics and an assistant secretary, and providing for appropriations for said department, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4637) for the retirement of employees in the classified civil service was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4472) providing for the sale of public lands for the purpose of using the proceeds arising therefrom in the construction of roads and other permanent improvements in national parks was announced as next in order.

Mr. LENROOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4894) to amend the one hundred and eighteenth article of war and to authorize the calling into service of dismissed or discharged officers was announced as next in order.

Mr. GRONNA. I ask to have that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4946) to permit organizations, units, and detachments of the military forces to sell kitchen by-products, waste, and garbage from their messes and to permit the Government to be the purchaser thereof was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 829) to authorize the employment of Federal prisoners on public roads within the State was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SHAFROTH. I hope there will be no objection.

The PRESIDING OFFICER. Objection has been made, and the bill will go over.

The bill (S. 4931) to insure a supply of coal for munition works, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4990) to repeal a proviso of paragraph 3, section 1, of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United

States," approved May 18, 1917, and further amending said act, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4857) authorizing an Army account of advances for Army appropriations, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4605) to protect the insignia of the Young Men's Christian Association, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CHAMBERLAIN. I desire to say that some of the bills which have recently been called and passed over have been reported from the Committee on Military Affairs. I am making no question about their going over, because the House can not possibly act on them at this session, although many of them are meritorious measures.

The bill (S. 4523) to transfer the tract of land known as the Lighthouse Reservation, at North Point, Md., from the jurisdiction of the Department of Commerce to the jurisdiction of the War Department, was announced as next in order.

Mr. CHAMBERLAIN. That bill might go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3219) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LOAD LINES FOR VESSELS IN FOREIGN TRADE.

The bill (S. 4991) to establish load lines for vessels in foreign trade was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment in section 4, on page 2, line 19, after the word "Act," to insert:

Provided further, That this exception shall not apply in the case of ships of any foreign country in which it appears to the Secretary of Commerce that corresponding provisions are not extended to vessels of the United States.

So as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed to establish by regulations from time to time in respect of vessels of 1,000 gross tons or over the load lines and marks thereof beyond which it shall not be lawful to load such ships in salt water for the foreign trade, and such regulations when duly published shall have the effect of law.

Sec. 2. That collectors of customs shall refuse clearance to any vessel subject to such regulations until such regulations have been complied with unless waived by the Secretary of Commerce.

Sec. 3. That the Secretary of Commerce shall appoint a committee of the American Bureau of Shipping or, at the option of the owner of the ship, a committee of any other corporation or association for the survey or registry of shipping, approved by the Secretary of Commerce, or any officer of the Government specially designated by him for the purpose, to approve and certify the position of marks of load lines on ships subject to the regulations herein provided.

Sec. 4. That this act and the regulations herein provided for shall apply to vessels of the United States and, after due notice, to like vessels of foreign countries: *Provided,* That whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to safe loading are equally effective with the regulations established under this act, the Secretary of Commerce may direct, on proof that a ship of that country has complied with such foreign laws and regulations, that such ship shall not be refused clearance for failure to comply with the regulations provided for by this act: *Provided further,* That this exception shall not apply in the case of ships of any foreign country in which it appears to the Secretary of Commerce that corresponding provisions are not extended to vessels of the United States.

Sec. 5. That this act shall take effect 60 days after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was to be engrossed for a third reading, read the third time, and passed.

HENRY J. DAVIS.

The bill (S. 923) for the relief of Henry J. Davis was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry J. Davis, who served under the name of Henry Davis, and who was a private of Company K, Seventh Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 20th of November, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COST-PLUS CONTRACTS.

The bill (S. 4726) to prohibit "cost-plus" governmental contracts, and to prohibit the payment of commission for the awarding of Government contracts, was announced as next in order.

Mr. WALSH. Let that bill go over.

Mr. POINDEXTER. Does any Senator object to that bill?

Mr. KING. I should be glad if the Senator from Montana would allow this bill to be considered. It was considered by the Judiciary Committee and favorably acted upon.

Mr. WALSH. Yes; but I object to it simply because it will be impossible to give the proper consideration to a measure of this kind at this time under the five-minute rule.

Mr. POINDEXTER. I regret very much that the Senator objects to it.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

CLAIMS OF CHEROKEE NATION.

The bill (S. 10) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States was announced as next in order.

Mr. GRONNA. Let that go over.

Mr. OWEN. Mr. President, I hope the Senator will not object to the consideration of that bill. The Cherokee Nation is about to expire, and it ought to be wound up; its affairs ought to be closed. This is just a question of interest due to the nation on an investment fund. It ought to be disposed of. It has to be disposed of at some time, and I hope the Senator will withdraw the objection.

Mr. GRONNA. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confers jurisdiction upon the Court of Claims to hear, consider, and determine the claim of the Cherokee Nation against the United States for interest, in addition to all other interests heretofore allowed and paid, alleged to be owing from the United States to the Cherokee Nation on the funds arising from the judgment of the Court of Claims of May 18, 1905 (40 Ct. Cls., p. 252), in favor of the Cherokee Nation. The said court is authorized, empowered, and directed to carefully examine all laws, treaties, or agreements, and especially the agreement between the United States and the Cherokee Nation of December 19, 1891, ratified by the United States March 3, 1893 (27 Stat. L., p. 640, sec. 10), in any manner affecting or relating to the question of interest on said funds, as the same shall be brought to the attention of the court by the Cherokee Nation under this act. And if it shall be found that under any of the said treaties, laws, or agreements interest on one or more of the said funds, either in whole or in part, has not been paid and is rightfully owing from the United States to the Cherokee Nation, the court shall render final judgment therefor against the United States and in favor of the Cherokee Nation, either party to have the right to appeal to the Supreme Court of the United States as in other cases. The said claim shall be presented within one year after the passage of this act by petition in the Court of Claims by the Cherokee Nation as plaintiff against the United States as defendant, and the petition shall be verified by the attorney employed to prosecute said claim by the Cherokee Nation acting through its principal chief. A copy of the petition shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in said cause. The law and practice and rules of procedure in said courts shall be the practice and law in this case. The attorney for the Cherokee Nation shall be paid the fee as stipulated in his contract of employment, not to exceed 15 per cent on the gross amount, if any, that shall be recovered for said Cherokee Nation. The amounts recovered for said Cherokee Nation, if any, except the fee to said attorney, shall be disbursed under the supervision of the Secretary of the Interior to the parties entitled thereto in the manner prescribed by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5025) to amend an act entitled "An act for the establishment of marine schools, and for other purposes," was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5026) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The resolution (S. Res. 336) directing the War Trade Board to report to the Senate to what extent the export of cotton is being restricted, the reasons for such course, etc., was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 358) to create a committee of eight Senators, which shall be charged with the duty of proceeding to Paris at the proper time in order to be present during the peace conference, was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 5052) to make section 5 of the Post Office appropriation act for the fiscal year ending June 30, 1918, as amended by section 1110, war-revenue act of October 3, 1917, applicable to the District of Columbia, was announced as next in order.

Mr. SHEPPARD. Mr. President, fortunately this bill is already out of the way, having been embodied in the new revenue act, and I therefore move that it be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

PURCHASE OF MILITARY SUPPLIES.

The resolution (S. Res. 346) directing the Secretary of War to transmit to the Senate the names of all commissioned officers in the Army and other persons who have been since April 6, 1917, authorized by the War Department to purchase ordnance, quartermaster, or other supplies for the military departments, etc., was announced as next in order.

Mr. KING. Mr. President, I should like to have that resolution considered, if there is no objection. It merely asks for certain information.

Mr. SMOOT. Let it be read. It is not long.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War transmit to the Senate the names of all commissioned officers in the Army, and of all other persons who, since the 6th day of April, 1917, have been authorized by the War Department to purchase ordnance, quartermaster, medical, and other supplies for the use of the Military Establishment of the United States, and to inform the Senate as to what interest as shareholders, partners, employees, or security holders such officers or persons may have, directly or indirectly, so far as the Secretary may be advised, in any corporation, company, partnership, firm, or business which has been awarded contracts for the furnishing of ordnance, quartermaster, medical, or other supplies for the Military Establishment.

COMPENSATION OF CERTAIN REPRESENTATIVES IN CONGRESS.

The joint resolution (H. J. Res. 358) authorizing and directing the payment of the usual compensation of Representatives in Congress to those Members of the House who have been discharged from their military or naval duties was considered as in Committee of the Whole. It authorizes and directs the Sergeant at Arms of the House of Representatives to pay to those Members of the House of Representatives of the Sixty-fifth Congress who have been serving with the military or naval forces of the United States in the present war with Germany and her allies, compensation from and after the day of their discharge from military or naval duty at the rate provided by law for Representatives in Congress, upon the resumption and during the continuance of their duties as Representatives in Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL BUDGET SYSTEM.

Mr. KENYON. Mr. President, Senate joint resolution 121, with relation to a budget system, was passed. That joint resolution provided that the commission should report by the 1st day of March, 1919. The joint resolution was drawn some time ago. Of course that is impossible; and I should like to recur to that measure in order that I may offer an amendment to change it so that the commission shall report on January 1, 1920.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to recur to Senate joint resolution 121. Is there objection? The Chair hears no objection. Without objection, the vote by which the joint resolution was ordered to a third reading and passed will be reconsidered. The Chair hears no objection. The joint resolution is before the Senate.

Mr. KENYON. I ask the privilege of amending the joint resolution by striking out "March 1, 1919," and inserting "January 1, 1920," where it appears on lines 2 and 3, and the same amendment on lines 23 and 24 of section 2.

The amendments were agreed to.

The joint resolution was read the third time and passed.

The preamble was stricken out.

PAY TO ARMY AND NAVY NURSE CORPS.

The bill (H. R. 12860) granting to members of the Army Nurse Corps (female) and Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employees of the Army pay and allowances during any period of involuntary captivity by the enemy of the United States, was considered as in Committee of the Whole. It proposes to give to members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employees of the Army full pay and allowances during any period of involuntary captivity by the enemy of the United States; and their right to such full pay and allowances shall not be abridged or lost by reason of absence from duty when that absence is caused by involuntary captivity by the enemy of the United States. Any captivity by the enemy shall be construed to be involuntary until the contrary shall be affirmatively established.

All rights and privileges hereunder shall be in force from April 6, 1917, to the end of the existing war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COPIES OF CONTRACTS.

The bill (S. 4733) requiring the filing of copies of all contracts for services rendered or materials furnished to the United States, or certain contractors and agencies of the United States, was announced as next in order.

Mr. KING. Mr. President, that bill was included in one of the appropriation bills, or in the revenue bill, and in part has now been enacted into law. I move that it be indefinitely postponed.

The motion was agreed to.

PROMOTIONS IN OVERSEAS SERVICE.

The resolution (S. Res. 359) requesting the Secretary of War to furnish the Senate full information in reference to promotions in overseas service, and also of officers who have not seen overseas service, etc., was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be, and he is hereby, requested and directed to furnish to the Senate full information in reference to promotions in overseas service.

Also full information as to promotions already made of officers who have not seen overseas service.

Also any plans he may have of equalizing promotions, to the end that those who have become entitled to promotions by reason of service abroad or at home shall be accorded such promotion.

BILL PASSED OVER.

The bill (S. 4922) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, was announced as next in order.

Mr. PENROSE and Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

D. C. DARROCH.

The bill (S. 4773) for the relief of D. C. Darroch was considered as in Committee of the Whole. It directs that D. C. Darroch, former private Company B, Fifty-first Regiment Indiana Volunteer Infantry, be hereafter held and considered to have been honorably discharged from the military service of the United States, and that no pension, pay, bounty, or allowance shall accrue prior to the passage of this act.

Mr. SMOOT. Mr. President, will the Senator from Texas explain the bill briefly?

Mr. SHEPPARD. This soldier voluntarily enlisted in the Union Army when he was under 16 years of age. He served for three years, made a gallant soldier, was captured, sent to a parole camp, and paroled for the rest of the war. While in the parole camp he violated one of the rules, and was subjected to what he considered very severe treatment, and went home. He could not be considered as a deserter in the ordinary sense, and I trust that the bill granting this relief will be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF CONTRACTS.

The bill (S. 5261) to legalize informal or defective orders for war supplies and materials, to provide for the cancellation of orders and contracts, for the reimbursement of contractors and

manufacturers, for the adjustment of claims or canceled or partially filled contracts and orders, and to provide relief for contractors pending final determination, was announced as next in order.

Mr. KING. Mr. President, that bill, I think, has received consideration. I shall not ask for its indefinite postponement, but I ask to have it go over.

The PRESIDING OFFICER. The bill will be passed over.

IMPROVEMENT OF HIGHWAYS.

The joint resolution (S. J. Res. 200) authorizing the Secretary of War to transfer to the Secretary of Agriculture certain war material suitable for improvement of highways, to be distributed among the several States, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Post Offices and Post Roads with amendments, in line 4, to strike out "and directed" and insert "at his discretion," and on line 5, after the word "available," to insert "and suitable," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized at his discretion to transfer to the Secretary of Agriculture all available and suitable war material not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States upon the same basis of distribution as provided by the Federal-aid road act, approved July 11, 1916.

The amendments were agreed to.

Mr. BANKHEAD. Mr. President, I move that the joint resolution be indefinitely postponed, because its provisions are included in the Post Office appropriation bill.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 5191) for the relief of private owners of lands within or near the Bitter Root, Lolo, or Missoula National Forests, Mont., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4603) to protect interstate and foreign commerce against bribery and other corrupt trade practices was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4261) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OWEN and Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAL BRIG "NIAGARA."

The bill (S. 3063) for the repair, preservation, care, and future maintenance of the restored historical naval brig *Niagara*, Commodore Oliver Hazard Perry's flagship in the Battle of Lake Erie, was announced as next in order.

Mr. OWEN. Let that go over.

Mr. HARDING. Mr. President, I should like the Senate to give consideration to this bill, and I am sure no one can have any objection to it. Very briefly, it is for the preservation of the flagship *Niagara*, of Perry's victorious fleet at the Battle of Put in Bay.

I do not believe that the bill requires any explanation on my part. This historic vessel was rescued from the bottom of Lake Erie some years ago and restored, and it has been a difficult matter to preserve it for the view of Americans of the present day. It is proposed to devote the modest sum of \$15,000 to its complete assignment in the waters of the harbor of Erie, Pa., and, under Government regulation and control, to maintain it for all time as an object of veneration and interest to visiting Americans.

I think it is a fine thing to do, and there ought to be no objection whatever to the passage of the measure. One could speak at length upon the subject, uttering pleasing thoughts, but I forbear if the Senate will do the more practical thing and consider and pass the bill.

Mr. PENROSE. Mr. President, I had not intended saying anything on this measure. It happens that by accident I introduced it. It is not a sectional matter in any way. All the States on the Great Lakes have made contributions by their State legislatures and have erected a magnificent memorial, costing several million dollars, I think, on the shores of Lake Erie, in the State of Ohio. This old flagship is one of the most remarkable and striking historical relics in connection with the American Navy and in connection with a wonderful sea fight. This memorial—

Mr. OWEN. I withdraw my objection.

Mr. PENROSE. I beg the Senator's pardon; I did not hear that he withdrew it. Sometimes one gets so accustomed to hearing his own voice that he fails to hear the voices of others. I apologize for detaining the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of \$15,000, to be used for the repair, preservation, care, and maintenance of the restored historical naval brig *Niagara*, Commodore Oliver Hazard Perry's flagship, in which he won the Battle of Lake Erie, and which is now fast going to decay in the harbor of Erie, Pa., and provides that said restored historical naval vessel shall become the property of the United States, and the city of Erie, Pa., shall provide free of charge a suitable site to be selected in said city or at the public docks of said city, where a concrete basin shall be built and the vessel set therein with running water around it that can be shut off or on and a gangway built leading from the ship to the shore giving the appearance of the vessel being afloat, historical relics of said battle to be collected and arranged on board and all placed on exhibition free of cost to the public, and a portable deck house shall be built to cover the vessel during the winter months: *Provided further*, That said sum of \$15,000 shall be expended under the direction and supervision of the Secretary of the Navy under such rules and regulations as he may prescribe, and who shall see that the provisions of this act are carried out at the earliest practicable time to prevent the total decay of said historical old naval vessel; and shall include in the estimates he recommends for the naval appropriation act each year a sum sufficient to provide a competent ship keeper for said vessel, who shall be paid a fixed monthly salary and be provided with quarters, heat, and light, and shall reside on board said vessel, who shall be appointed by the Secretary of the Navy from applicants who have been honorably discharged or retired from the naval service and of good character, and for the repair, preservation, care, and maintenance of said historical naval vessel: *And provided further*, That the Secretary of the Navy shall appoint a local commission of five prominent citizens of the city of Erie, Pa., who, under his direction, shall assist in carrying out the provisions of this act at the earliest practicable time, and who, under the direction of the Secretary of the Navy, shall have local charge of said vessel, the historical relics of the naval battle kept on board, and the ship keeper; and who shall report semiannually to the Secretary of the Navy the condition of said vessel and the site on which it sets and make any recommendations necessary for the repair, preservation, care, and maintenance of said historical naval vessel; and the site shall be selected and recommended by said local commission and approved by the Secretary of the Navy: *And provided further*, That said naval vessel may be used for a local Navy recruiting station in the city of Erie, Pa., whenever it may be required for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LITTLE COLORADO AND CANYON DIABLO RIVERS BRIDGES.

The bill (S. 5277) reappropriating and making immediately available the \$42,500 appropriated for the construction of two bridges over the Little Colorado and Canyon Diablo Rivers, near the Leupp Agency, Ariz., by the act approved March 2, 1917, was announced as next in order.

Mr. ASHURST. Mr. President, that has been included in the Indian appropriation bill. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

LANDS IN OREGON.

The bill (H. R. 13042) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act was considered as in Committee of the Whole. It authorizes the Secretary of the Interior, within his discretion, to continue to not beyond January 12, 1929, the segregation of the lands embraced in approved Oregon segregation list No. 13, under the Carey Act.

Mr. SMOOT. Mr. President, will the Senator from Oregon explain what the bill provides and what the result of it will be, just in a few words? I do not find any report accompanying the bill.

Mr. CHAMBERLAIN. Mr. President, this is a bill extending the time for the completion of a Carey Act project under the State of Oregon. The time has been extended once until January, 1919, and unless it is extended for another term it can not be completed. The State asks for it, and the Secretary of the Interior recommends it.

Mr. SMOOT. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER RIGHTS IN IDAHO.

The bill (H. R. 12579) to grant to citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove such timber to Malheur County, Oreg., was announced as next in order.

Mr. NUGENT. Let that go over.

Mr. MYERS. Mr. President, I hope the Senator will not object to the consideration of that bill. It is favorably reported from the Public Lands Committee.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that section 8 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, chapter 561, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be amended by adding thereto the following:

That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the act of March 3, 1891, to citizens of Malheur County, Oreg., to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINAM NATIONAL FOREST, OREG.

Mr. CHAMBERLAIN. Mr. President, on July 8, 1918, when I was absent from the Senate in the Military Affairs Committee, Order of Business 457, being Senate bill 3864, to add certain lands to the Minam National Forest, Oreg., was passed by the Senate and was sent over to the House. In the meantime the House passed a bill identical in its provisions. It came to the Senate and was referred to the Committee on Public Lands. I ask that the Committee on Public Lands be discharged from the further consideration of that bill and that the bill as it came to the Senate be passed, because it is exactly similar to the bill which the Senate passed.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oregon will be agreed to. The Chair hears no objection. The Committee on Public Lands is discharged from the further consideration of House bill 10394, and the Senator from Oregon asks unanimous consent for its present consideration. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10394) to add certain lands to the Minam National Forest, Oreg. It provides that the following-described lands shall be included in and made a part of the Minam National Forest, subject to all prior valid adverse rights, and that the lands shall hereafter be subject to all laws affecting national forests: Sections 34 and 35, the north half of section 36, township 7 south, range 43 east, and sections 2 and 3, township 8 south, range 43 east, all of Willamette meridian, in Oregon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 127) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF CHARLES BOCKMAN, DECEASED.

The bill (S. 978) for the relief of Watson B. Dickerman, administrator of the estate of Charles Bockman, deceased, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Watson B. Dickerman, administrator of the estate of Charles Bockman, deceased, the sum of \$5,335.71, the said payment being a refund of taxes erroneously exacted and paid on distilled spirits in excess of the quantity withdrawn by him from United States bonded warehouse, which spirits had been manufactured and bonded prior to July 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was stricken out.

LANDS IN COLORADO.

The bill (H. R. 5989) to grant certain lands to the town of Olathe, Colo., for the protection of its water supply was con-

sidered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to convey to the town of Olathe, county of Montrose, and State of Colorado, the southeast quarter of section 24, township 48 north, range 12, and the south half of section 19, and the southwest quarter of section 20, both in township 48 north, range 11 west, of the New Mexico principal meridian, in said county and State, containing 640 acres, more or less, to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipe lines and waterworks system of said town: *Provided*, That the said town of Olathe shall, within two years from the passage of this act, pay for said lands, or such portions thereof as may be necessary for said purposes, at the rate of \$1.25 per acre: *And provided further*, That the grant hereby made is, and the patent issued thereunder shall be subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States: *And provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 12210) to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and to regulate the sale and entry of public lands along the shore of navigable waters in Alaska," was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

REFUND OF DUTIES ON MATERIALS DESTROYED BY FIRE.

The bill (S. 2496) for the refund of duties paid on materials destroyed by fire was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with amendments, on line 5, to strike out the word "agency" and the comma and to insert "agency of"; and, on line 7, to strike out "\$208,075.07" and to insert "\$192,278.83," so as to make the bill read:

Be it enacted, etc, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the agency of Canadian Car & Foundry Co. (Ltd.), the sum of \$192,278.83, as a refund of import duties paid on certain materials to be manufactured in the United States for shipment abroad, but which were destroyed by fire.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is there anyone here who can explain in detail why this amount should be paid?

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 5065) amending section 4904 of the Revised Statutes was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5066) amending chapter 143 of the act of March 3, 1883 (22 Stats., p. 625), and for other purposes, was announced as next in order. It proposes to amend chapter 143 of the act of March 3, 1883, to read as follows:

Patents may be granted without payment of fee for any invention or discovery that is useful in or for the public service: *Provided*, That the application therefor shall contain a stipulation that such invention or discovery may be made and used without royalty by or for the Government of the United States and anyone contracting with the Government of the United States in performing the contract, which stipulation shall be included in the patent.

No person shall be excluded from the benefit of this act because of being in the civil, military, or Naval Establishments of the United States, except officers or employees of the Patent Office.

CLAIMS OF CHEROKEE NATION.

Mr. OWEN. Mr. President, I want to call the attention of the Senate to Senate bill 10, which was passed over a few minutes ago. The House, by House bill 357, passed the same substantial matter. I should like to ask the reconsideration of the action of the Senate on that bill and the substitution of House bill 357, and I call the attention of the Senator from North Dakota to it.

Mr. GRONNA. I have no objection.

The PRESIDING OFFICER. Will the Senator from Oklahoma please state his request again?

Mr. OWEN. I ask to substitute H. R. 357 for Senate bill 10, which was passed. It is on the calendar, Order of Business No. 555, and the Senate passed it a few minutes ago.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to recur to Senate bill 10. Without objection, that order will be made. The Chair hears no objection. The Senator from Oklahoma asks unanimous consent to reconsider the vote by which Senate bill 10 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of H. R. 357, and that the bill be considered by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 357) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States. It confers jurisdiction upon the Court of Claims to hear, consider, and determine the claim of the Cherokee Nation against the United States for interest, in addition to all other interest heretofore allowed and paid, alleged to be owing from the United States to the Cherokee Nation on the funds arising from the judgment of the Court of Claims of May 18, 1905 (46th Court of Claims Rept., p. 252), in favor of the Cherokee Nation. The said court is authorized, empowered, and directed to carefully examine all laws, treaties, or agreements, and especially the agreement between the United States and the Cherokee Nation of December 19, 1891, ratified by the United States March 3, 1893 (27 Stat. L., p. 640, sec. 10), in any manner affecting or relating to the question of interest on said funds, as the same shall be brought to the attention of the court by the Cherokee Nation under this act. And if it shall be found that under any of the said treaties, laws, or agreements interest on one or more of the said funds, either in whole or in part, has not been paid and is rightfully owing from the United States to the Cherokee Nation, the court shall render final judgment therefor against the United States and in favor of the Cherokee Nation, either party to have the right to appeal to the Supreme Court of the United States as in other cases. The said claim shall be presented within one year after the passage of this act by petition in the Court of Claims by the Cherokee Nation as plaintiff against the United States as defendant, and the petition shall be verified by the attorney employed to prosecute said claim by the Cherokee Nation acting through its principal chief. A copy of the petition shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in said cause. The law and practice and rules of procedure in said courts shall be the practice and law in this case.

The attorney for the Cherokee Nation shall be paid such fee as the Court of Claims may find reasonable, the same to be approved by the Secretary of the Interior: *Provided*, That in no case shall the fee decreed by said Court of Claims be in excess of the amount stipulated in his contract of employment, nor amount to more than 10 per cent of the sum, if any, to which the Cherokee Nation shall be found entitled. The amount recovered, if any, for the Cherokee Nation shall be disbursed under the supervision of the Secretary of the Interior to the parties entitled thereto in the manner prescribed by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RESIGNATIONS OF OFFICERS AND DISCHARGES OF ENLISTED MEN.

The joint resolution (S. J. Res. 196) authorizing the Secretary of War to accept resignations of officers and to grant discharges to enlisted men in the Army under certain conditions was considered as in Committee of the Whole. It directs the Secretary of War, in demobilizing the armed forces within the United States, to accept resignations of officers who were commissioned for the present emergency under act of May 18, 1917, and preceding acts, and to grant discharges to enlisted men enlisted under the act of May 18, 1917, and under preceding acts, upon their offer of resignation or application for discharge immediately in the following classes of cases:

First. Where the officer or enlisted man has dependents drawing an allowance from the Government because of the applicant's service.

Second. Where the officer or enlisted man presents an affidavit from a person or officer of a corporation making a bona fide offer of a civil position to such officer or enlisted man.

Mr. McKELLAR. Mr. President, since this joint resolution was reported out by the Military Affairs Committee that committee has had the same matter under consideration again and has amended the joint resolution. I ask that the amendment which

I send up to the desk be used as substitute for the original resolution.

The PRESIDING OFFICER. Without objection, that will be done.

The SECRETARY. On page 2 it is proposed to strike out lines 1 to 10 and to insert:

First. Where the officer or enlisted man has dependents drawing an allowance from the Government because of the applicant's service.

Second. Where the officer or enlisted man presents an affidavit from any person, firm, partnership, or officer of a corporation making a bona fide offer of a civil position to such officer or enlisted man.

Third. Where the officer or enlisted man submits affidavits showing that he is needed on a farm upon which he proposes to work during the current year.

Fourth. Those who present affidavits showing that their education has been interrupted by their Army service and that if discharged they will continue their studies.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMBASSADOR TO REPUBLIC OF PERU.

The joint resolution (S. J. Res. 197) authorizing the appointment of an ambassador to the Republic of Peru was announced as next in order.

Mr. GRONNA. Let that go over.

Mr. HITCHCOCK. The Diplomatic and Consular appropriation bill which passed the other day contained a provision for the salary of the new ambassador. I had the impression that this bill had also passed, but if it has not passed it should be passed at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to the Republic of Peru, who shall receive as his compensation the sum of \$17,500 per annum.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX CHIPPEWA INDIANS.

The bill (S. 4699) for the relief of the St. Croix Chippewa Indians of Wisconsin was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, to be expended under the supervision of the Commissioner of Indian Affairs in the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 13, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stat. L., pp. 582-605), and printed as House Document No. 1663, Sixty-third Congress, third session.

SEC. 2. That there is hereby appropriated, out of any money in Treasury not otherwise appropriated, the sum of \$141,000, in full settlement of the claims against the United States of the St. Croix Chippewa Indians of Wisconsin whose names appear upon the final roll prepared by the Secretary of the Interior pursuant to the said act of August 1, 1914, and which final roll is contained in the said report of the Secretary of the Interior, March 3, 1915, and in said House Document No. 1663.

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to distribute said fund of \$141,000 per capita among said Indians appearing upon said final roll, or, in his discretion, the per capita share of each of said Indians may be credited to him and expended by said Secretary for his benefit in such manner, including the purchase of land, as he may deem proper: *Provided*, That no part of the funds hereby appropriated shall be paid to any person or persons as attorney's fees: *Provided further*, That where any of said enrolled Indians have died since enrollment the Secretary shall ascertain and pay their pro rata shares to their proper distributees, under such rules and regulations as he may prescribe: *And provided further*, That one-half of said sum shall be expended in the purchase of land in northern Wisconsin for agricultural purposes, such land to be allotted to said St. Croix Chippewa Indians, each Indian to receive land to the value of one-half of his distributive share in the fund appropriated by this act, patents therefor to be issued in accordance with the general allotment laws of the United States. The land so selected shall be situated in organized school districts, and not be purchased in bodies of more than one section, and said bodies shall not adjoin each other. Such land shall be selected by an agent of the Indian Office familiar with lands in northern Wisconsin and an agent to be selected by said St. Croix Chippewa Indians. If these two disagree as to the value or desirability of any particular tract of land, they shall agree upon a third person, who shall act with the two agents aforesaid in determining such matter of disagreement. No land shall be purchased hereunder unless and until the purchasing agents, together with said third person so selected, shall in person go upon each tract so purchased.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to strike from said final roll the name of Maggie Staples, No. 39 thereof, and also strike therefrom the name or names of any other Indians who shall hereafter be found to have received an allotment of

land on any Indian reservation: *Provided*, That no part of the money hereby appropriated shall be paid to any of the persons whose names shall be so stricken from the final roll by the Secretary of the Interior.

Mr. WALSH. I inquire of the Senator from Wisconsin if this bill is not in substance in the Indian appropriation bill.

Mr. LENROOT. It is.

Mr. WALSH. Then why should we pass it now?

Mr. MYERS. I should like to say that it seems quite probable the Indian appropriation bill may not pass, I am sorry to say.

Mr. LENROOT. If this bill is passed, it will avoid any question of order about the item in the Indian appropriation bill.

Mr. ASHURST. There is no doubt about the Indian appropriation bill passing in the next two or three hours.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LENROOT. I ask unanimous consent that the report on Senate bill 4699 may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The report is as follows:

Mr. LA FOLLETTE, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred S. 4699, for the relief of the St. Croix Chippewa Indians of Wisconsin, having considered the same, report thereon with an amendment in the form of a substitute, with the recommendation that when so amended the bill do pass.

By an act of Congress approved August 1, 1914, the Secretary of the Interior was directed to cause an investigation to be made of the condition and tribal rights of the so-called St. Croix Chippewa Indians residing in northern Wisconsin. Among other things he was required to ascertain what tribal rights, if any, they had with any band or tribe of Indians residing in either Wisconsin or Minnesota and what benefits in land or money they would have received had they removed to a reservation or had not been excluded from enrollment and allotment with the Chippewa Indians of Minnesota under the provisions of the act approved January 14, 1889. The Secretary was further directed to cause a census and enrollment of said Indians with recommendations for their relief as he might deem necessary.

On March 3, 1915, the Secretary made his final report to Congress as directed (Doc. No. 1663, 63d Cong., 3d sess.). In this report 95 Indians were found to be entitled to benefits from the Government under the treaty of September 30, 1854, and that they would be entitled to between \$1,000 and \$1,500 each.

This bill is for the purpose of carrying out the recommendations of the Secretary of the Interior.

In a report upon a bill introduced in the House of Representatives upon this same subject the Secretary states:

"In further explanation of the failure of these Indians to remove to their respective reservations following the treaty, supra, I learn from the Commissioner of Indian Affairs that some of the subchiefs and many members of the band of Chief Buck did not understand that the present Lac Courte Oreille Indian Reservation established by said treaty was to be their future home; that they believed the lands embracing the waters of the St. Croix and Yellow Rivers were to be set aside for them as their home and hunting grounds; and that they never ceded or relinquished such country to the United States. I am also advised that the Indians themselves understood that there were not sufficient lands on the Lac Courte Oreille Reservation to provide for them should they have removed thereto, nor could they have made a living in such event."

This bill was referred to the Secretary of the Interior for report, and his report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 21, 1918.

MY DEAR SENATOR: I am in receipt of your reference of November 25, 1918, for report on a copy of S. 4699, "for the relief of the St. Croix Chippewa Indians of Wisconsin."

The bill provides for an appropriation of \$9,500 for the immediate relief of these Indians named upon the final roll prepared by the Secretary of the Interior, under the act of Congress of August 1, 1914 (38 Stat. L., 582, 605); and for an additional appropriation of \$142,500 to be paid to, or expended for the benefit of, the said enrolled Indians. The bill further provides, in effect, that the Secretary of the Interior shall pay to any attorney or attorneys who may now represent or may have heretofore represented the said Indians a sum not exceeding 5 per cent of the amount so appropriated.

On January 24, 1916, I had the honor to report to the chairman of the Committee on Indian Affairs of the House of Representatives on H. R. 5774, for the relief of these Indians, which bill carried an item of but \$125,000. It was said therein after setting out the merits of the claim that one of the 95 enrolled persons (No. 39, Maggie Staples) was found to have received an allotment of land and was not entitled to further benefits from the Government; and that another enrolled Indian (No. 81, Bet-to-wash-a-no-quah) was charged with having received an allotment with the Chippewas of the Lac Courte Oreille Reservation, Wis. It was accordingly recommended therein that the bill be so amended as to authorize the Secretary to strike from the final roll the name of Maggie Staples and also drop therefrom the name of any other Indians who should hereafter be found to have received allotments of land on any Indian reservation; and further, that no part of the money appropriated should be paid to any of the persons whose names were stricken from the said final roll.

With the letter of March 3, 1915, I transmitted to Congress a copy of the report dated January 13, 1915, from the official who investigated the conditions among these Indians (H. Doc. No. 1663, 63d Cong., 3d sess.), from which it clearly appears that they are in the main doing fairly well as farmers, etc., and that there are a few needy cases among them—

those living in the woods in tepees or wigwams and subsisting mainly on roots and muskrats.

It was suggested in the report mentioned that an appropriation of not to exceed \$1,000 would be sufficient to purchase subsistence supplies to prevent suffering in these few instances. Further, it was shown in that report that these Indians who were placed on the roll as entitled to benefits should each be paid from \$1,000 to \$1,500 for allotments of lands to which they would have been entitled under the provisions of the Chippewa treaty of September 30, 1854 (10 Stat. L., 1109), had they removed to their respective reservations. Should the maximum sum of \$1,500 be allowed for 94 persons so found entitled it would aggregate \$141,000. This would make the total to be appropriated by the bill, should the \$1,000 for immediate relief be granted, but \$142,000 instead of \$143,000 carried by the present bill.

I have no information as to any attorneys having rendered services to these Indians. In fact, the records show that the investigation into their status and the enrollment were made in accordance with the act of August 1, 1914 (38 Stat. L., 582-605), by an official from the Indian Bureau without the aid of any attorneys whatsoever.

It is accordingly recommended that the bill be amended as follows: Page 1, line 4, strike out all after the word "of" to the end of the page and insert in lieu thereof the following:

"One thousand dollars to be expended under the supervision of the Commissioner of Indian Affairs in the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 13, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38 Stat. L., 582, 605), and printed as House Document No. 1663, Sixty-third Congress, third session."

Page 2, strike out all of sections 2, 3, and 4 to the end of bill and insert in lieu thereof the following:

"Sec. 2. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$141,000 in full settlement of the claims against the United States of the St. Croix Chippewa Indians of Wisconsin whose names appear upon the final roll prepared by the Secretary of the Interior pursuant to the said act of August 1, 1914, and which final roll is contained in the said report of the Secretary of the Interior, March 3, 1915, and in said House Document No. 1663.

"Sec. 3. That the Secretary of the Interior is hereby authorized and directed to distribute said fund of \$141,000 per capita among said Indians appearing upon said final roll, or, in his discretion, the per capita share of each said Indian may be credited to him and expended by said Secretary for his benefit in such manner, including the purchase of land, as he may deem proper: *Provided*, That no part of the funds hereby appropriated shall be paid to any persons as attorney's fees: *And provided further*, That where any of said enrolled Indians have died since enrollment, the Secretary shall ascertain and pay their pro rata shares to their proper distributees under such rules and regulations as he may prescribe.

"Sec. 4. That the Secretary of the Interior is hereby authorized and directed to strike from the said final roll the name of Maggie Staples, No. 39 thereof, and also to strike therefrom the name or names of any other Indians who shall hereafter be found to have received an allotment of land on any Indian reservation: *Provided*, That no part of the money hereby appropriated shall be paid to any of the persons whose names shall be so stricken from the final roll by the Secretary of the Interior."

Should the bill be amended as suggested, I would recommend that it be enacted.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

Hon. HENRY F. ASHURST,
Chairman, Committee on Indian Affairs,
United States Senate.

The substitute bill is that favorably recommended by the Secretary of the Interior, except the last proviso of section 3, which is added by the committee to insure that a portion of the funds shall be used for the purchase of lands for the benefit of said Indians.

SENATOR FROM MICHIGAN.

The next business on the calendar was Senate resolution 415, referring the petition of Henry Ford, contesting the election of Truman H. Newberry as a Senator from Michigan, to the Committee on Privileges and Elections and authorizing said committee to take possession of the ballots, poll books, tally sheets, and documents and to make investigation and take all necessary proceeding relating to said contest.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

OLD RIVER (TEX.) IMPROVEMENT.

The bill (H. R. 7362) to authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF SHIPS.

The bill (S. 5292) making it unnecessary to secure permits from the United States Shipping Board for the construction of ships in American shipyards for foreign account was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That from and after the passage of this act it shall not be necessary to secure a permit from the United States Shipping Board to enter into a contract for the construction of ships for foreign account in American shipyards.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIVISION OF TUBERCULOSIS, PUBLIC HEALTH SERVICE.

The bill (S. 1597) to provide a division of tuberculosis in and an advisory council for the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. RANSDELL. I hope the Senator from Utah will not object to the consideration of this bill. It is a very important measure. It is urged by the Public Health Service. Tuberculosis is rapidly growing in this country, and they need a division in the Public Health Service to study and report upon it.

Mr. KING. I shall insist upon my objection.

Mr. RANSDELL. The bill also provides, I will say, for the creation of an advisory council—

The PRESIDING OFFICER. Objection is made.

Mr. RANSDELL. I ask unanimous consent that the report accompanying the bill may be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, leave will be granted.

The report is as follows:

Mr. RANSDELL, from the Committee on Public Health and National Quarantine, submitted the following report:

The Committee on Public Health and National Quarantine, to which was referred the bill (S. 1597) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, having had the same under consideration, reports thereon with the recommendation that it do pass.

In support thereof the committee submits a letter and memorandum from Dr. Rupert Blue, Surgeon General Public Health Service, dated January 18, 1919, and a letter from Mr. William H. Baldwin, treasurer National Tuberculosis Association, dated January 20, 1919.

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TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, January 18, 1919.

Hon. JOS. E. RANSDELL,
Chairman Public Health Committee, United States Senate.

MY DEAR SENATOR RANSDELL: In reply to your letter of January 16, 1919, inclosing copy of S. 1597, to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, I beg to inclose a memorandum on this bill.

Very truly, yours,

RUPERT BLUE, Surgeon General.

MEMORANDUM ON S. 1597, TO PROVIDE A DIVISION OF TUBERCULOSIS IN, AND AN ADVISORY COUNCIL FOR, THE UNITED STATES PUBLIC HEALTH SERVICE, AND FOR OTHER PURPOSES.

Section 1 of this bill provides for the establishment in the United States Public Health Service of an additional division to be known as the division of tuberculosis, which shall be in charge of a commissioned medical officer of the Public Health Service, detailed by the Surgeon General, who shall be while thus serving an Assistant Surgeon General on the same basis as the other Assistant Surgeons General, provided by the law of 1912, on duty at the bureau.

The object of this section is to provide a special administrative division of the United States Public Health Service, the duty of which shall be to study tuberculosis, its causes and prevention, and demonstrate methods for its suppression. In connection with the necessity for establishing such a division, the following is submitted:

Tuberculosis as a cause of death and disability: Tuberculosis is still the greatest single cause of death in the mortality sheets of this Nation. According to the returns of the United States Census Bureau for 1916, tuberculosis caused 101,396 deaths in the registration area of the United States, which comprises 70 per cent of the total population. The total number of deaths for the calendar year 1916 was 1,001,921. Tuberculosis thus caused 10.1 per cent of all deaths. If the same death rate from tuberculosis prevailed in the area of the United States outside of the registration area, the total number of deaths in the entire United States from this disease was approximately 145,000. Moreover, tuberculosis is a disease which attacks the young and those in the prime of life, as 74 per cent of those dying from tuberculosis are less than 45 years of age. Tuberculosis, therefore, is essentially a disease of youth and of early middle age, causing the deaths of thousands upon thousands at the time when they should be at the height of energy and usefulness and, through its long duration and debilitating course, causing hundreds of thousands, nay millions, of other persons to be a charge upon the Nation at the very time when we have need of the entire fund or national man power for the purpose of reconstruction, rehabilitation, and recuperation. If this Nation is to play its part in the healing of the gigantic wounds left by the war.

The effect of tuberculosis on military man power: The effect of tuberculosis as a factor in depreciating national man power is well shown in the figures of the physical examination of the draft. Over 5 per cent of all examined, or more than 1 in 20, were found unfit for military duty because of tuberculosis, while many thousands subsequently developed tuberculosis after induction in the military service and were discharged. If we were to apply the figures of the prevalence of tuberculosis found during the physical examinations incident to the selective-service law to the whole population of the draft age, it may be estimated that there are approximately 1,000,000 cases of tuberculosis in the population of the age groups between 21 and 31. With these figures concerning the prevalence of tuberculosis in this country and its prominence as a cause of death in the national mortality statistics, it is no wonder that tuberculosis has been known as the great white plague.

Tuberculosis a preventable disease: Tuberculosis, though transmissible from man to man and also from the lower animals to man, is a preventable disease. Its cause is known; much information has been acquired as to its means of spread and methods for control. It is to be regretted that hitherto no definite steps have been taken by Congress to wage war against this terrible enemy of national life and prosperity. By giving specific direction and facilities to the national health agency to take such steps as will result in concerted and cooperative effort to suppress and prevent tuberculosis, a great forward movement will be

made in stopping the ravages of this disease. It is still the greatest single waste of human national resources in the category of diseases.

Relation of the Public Health Service to tuberculosis: Under the law approved August 14, 1912, the Public Health Service may study and investigate the diseases of man and the conditions influencing the propagation and spread thereof and under the law approved February 15, 1893, the Public Health Service is required to cooperate with and aid State and municipal boards of health . . . to prevent the introduction of contagious and infectious diseases into the United States from foreign countries and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and . . . to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia. The authorization of the Public Health Service to undertake antituberculosis work is therefore ample under the law.

Up to the present time all of the activities of the Public Health Service relating to the investigation of the diseases of man are being conducted under the Division of Scientific Research, while cooperative work in the prevention of the interstate spread of disease and its introduction from foreign countries into the United States is carried on by the Division of Domestic and Interstate Quarantine and Division of Foreign and Insular Quarantine, respectively, in the bureau. While of necessity tuberculosis has been considered in the work of these divisions, it has not been practicable because of insufficient funds and facilities to devote the intensive study to this great problem which it has long merited. Tuberculosis is such an important cause of deaths and disability that if a serious effort is made to reduce to proper limits the needless annual toll of thousands of lives because of its ravages, there is imperative need of a division in the Public Health Service which shall devote all of its time, energy, and funds to the solution of this great problem.

Although tuberculosis has long been the object of study and much knowledge has been acquired of the disease, that knowledge still has many gaps to be filled. For instance, we are still far from having complete information regarding such important points as the chief part of entry of the infection into the body, the conditions causing susceptibility, or relative immunity, the relative value of various preventive measures, the mechanism by which immunity to tuberculosis is created, and the arrest or cure of the disease effected. We are still without any specific treatment for tuberculosis or without any means of increasing individual resistance by the use of serums or vaccines. Yet, there is reason to believe that by intensive study of these subjects hopeful results are to be secured. Besides this, there is great need for coordinating and correlating the work of national, State, and local agencies for the prevention and control of tuberculosis. The work of coordinating such agencies is unquestionably the proper function of the Federal Government, as tuberculosis must be regarded as a national, not a local, health problem. For the universal prevalence of tuberculosis throughout the country not only wages war on national vitality but the disease is spread through interstate channels because of the migrations of those affected with it.

For these reasons it is believed that there is urgent need at this time for the taking up at once by the National Government of the tuberculosis problem as an essential part of the after-the-war reconstruction, and the establishment of a division of tuberculosis in the Public Health Service under the provisions of this act is the first logical step toward this end.

Section 2 of the bill provides that there shall be an advisory council for consultation with the Surgeon General of the Public Health Service relative to the scientific work to be inaugurated by the said service and the methods of performing it, and that the present advisory board of the Hygienic Laboratory shall be abolished. Under the act approved July 1, 1902, section 5, an advisory board of the Hygienic Laboratory was created for consultation with the Surgeon General of the Public Health and Marine Hospital Service relative to the investigations to be inaugurated and the methods of conducting the same in that institution. The board consists of five members, specially skilled in laboratory work, not in the employ of the Government, and three others in Government service—the Army, the Navy, and the Department of Agriculture. This board had jurisdiction only over investigations to be undertaken at the Hygienic Laboratory. The act of 1912, however, has greatly increased the scope of the investigations which may be conducted by the service, and the same need exists for consultation with competent authorities by the Surgeon General in regard to such investigations as in more technical matters of laboratory research. The effect of this section is to increase the number of members on the board and to broaden the scope of the advisory powers of the board so that, instead of giving the Surgeon General advice solely in matters relating to the conduct of investigations at the Hygienic Laboratory, they may give the benefit of their advice and experience in regard to the entire field of public-health investigation.

In view, therefore, of the increased scope of the functions of the Public Health Service since the passage of the law of 1902, and the need, too, for an advisory council with special relation to the problem of tuberculosis, it becomes eminently desirable to increase the functions of the present advisory board of the Hygienic Laboratory so as to cover all public-health investigations undertaken by the service, and to add to its membership, so that all fields of public-health research may be covered. Section 2 provides for an increase in the membership of the advisory board from 8 to 10, and, moreover, by abolishing ex-officio members, gives a wider field of selection, so that all branches of public-health work may be represented on the board. An advisory board organized on these lines should be of the greatest aid to the National Government.

NATIONAL TUBERCULOSIS ASSOCIATION,
Washington, D. C., January 20, 1919.

Hon. J. E. RANDELL,
United States Senate.

DEAR SENATOR RANDELL: In behalf of the National Tuberculosis Association I desire earnestly to urge the passage by Congress at this session of the bill to provide a division of tuberculosis in the Public Health Service (S. 1597). As to this, the association has a right to speak, for it has been and is the leading agency in the United States dealing with the disease which does more harm and takes a greater toll of human life than any other.

Its leadership is not due to any effort to monopolize the field, for it has constantly and successfully sought, since it was formed 15 years ago, by a coming together of those who felt the need of united action in such an important movement, to arouse people in all parts of the country

to the dangers from tuberculosis and the possibilities of its prevention, and to promote the formation of associations and agencies which would take up the struggle at close range.

When the National Tuberculosis Association was formed real work for the control of tuberculosis was being undertaken in only five States, there were only about 100 hospitals and sanatoria for it, most of them poorly equipped, less than 20 special tuberculosis clinics, less than 30 antituberculosis associations, and the funds for what was being done came largely from private means. The death rate in 1904 was 290.7 per 100,000 of population.

The problem was vast and vague, and the association was without authority and without funds, but the possibilities for those who knew were likewise very great, and as information was spread the work began to grow rapidly. The association secured funds with which to send striking exhibits showing the nature and effects of tuberculosis into the principal cities of every State in the Union, and 10 years ago the International Congress on Tuberculosis, bringing here Dr. Robert Koch, who discovered the bacillus which causes the disease, and other authorities on the subject throughout the world, was held under its auspices in Washington. During the year following this the number of associations in the work nearly doubled, sanatoria and hospitals increased by 40 per cent, and legislation of various kinds was secured in most of the 30 States in which legislatures met that year.

The movement has broadened since until there is now an active State association in each of the States, as well as in Porto Rico, Hawaii, the Philippines, and Panama. There are about 1,500 other antituberculosis associations or societies, more than 550 special tuberculosis sanatoria and hospitals, and more than 450 clinics and dispensaries, while the death rate had fallen from 290.7 in 1904 to 141.6 in 1916, a decline of nearly 50 per cent. Many State commissions had been formed in connection with various phases of the subject, and an increasing amount of money was being appropriated each year by cities, counties, and States, some of the States having laws requiring the establishment of sanatoria in each county or in groups of counties, but the development of the problem began to reveal more and more clearly the need of something more, something different; and it was for this reason that three years ago the National Tuberculosis Association joined in a definite request for the formation of a division of tuberculosis in the Public Health Service, which would enable it to take a more nearly appropriate rank among the forces working against tuberculosis than it has been able to do. On the failure of Congress to pass that measure, the pending bill was introduced at the beginning of the present Congress.

That was nearly two years ago. The measure has not been urged until now because the war was just begun, and all energy was devoted to prosecuting it. In this, too, the National Tuberculosis Association took an active part. An investigation into the ravages of tuberculosis in the Army in France, which a former president of the National Tuberculosis Association, Dr. Hermann M. Biggs, was delegated to make, showed how soldiers had suffered because the need of men made it impossible to examine them carefully before enrolling them; and the former executive secretary of the National Tuberculosis Association, Dr. Livingston Farrand, with Mr. Homer Folks, another ex-president, and for six months Dr. David R. Lyman, its president at this time, has been more than a year and a half in Paris, working with the French Government to find ways of meeting the national need for protection against tuberculosis, just such an undertaking as the Public Health Service can well inaugurate and carry on in this country if this division is established.

The National Tuberculosis Association made a careful report before the war began to the Council of National Defense, with recommendations for guarding against taking tuberculous men into our forces. Through its members it aided in the examination of men called to the Army, and the care used in passing on such men has been of the greatest service to the Government. But these very examinations have brought out strikingly the prevalence of tuberculosis, and the great drama which has been enacted since this bill was introduced has demonstrated the need for it more convincingly than anything else could. The Surgeon General of the Army has done and is doing more for tuberculous soldiers than was ever done before for the men in any army. Adequate sanatoria were promptly provided, to which those needing treatment are sent to be cared for until their cases are arrested or until it is found that they will not be further improved by treatment.

The names of those discharged, as well as of men rejected in the draft, are furnished to the National Tuberculosis Association, so that through the local tuberculosis associations spoken of above, State boards of health, or the Red Cross, the men and their families can be kept track of and furnished with such care and assistance as they need; but the time will come when the control of the Army over these men will cease, and as they are absorbed into civil life it is absolutely necessary that there shall be a Federal agency with power to look after their interests and the interests of the people about them. The Public Health Service is the agency which should do this, and it should have a division of tuberculosis now. If the bill is not passed at this session it is altogether probable that before the authority to handle the problem can be given the men in the Army will have dropped back into civil life and the opportunity to prevent harm to and from them offered by the war will have been lost.

Moreover, if some of the hospitals at the camps and cantonments are likely to be used by the Public Health Service for the care of discharged soldiers needing treatment, it is quite important that there should now be such a division in the Public Health Service to aid in the selection of these places while the process of arranging for them is going on.

Emphasizing the need of this division of tuberculosis are the facts disclosed by the examinations for the draft in the various States. Among those in which we should expect the greatest freedom from tuberculosis are Arizona and New Mexico, with their bright skies and fine climate; but in a shaded map showing the proportion of men found tuberculous these two favored States are colored black, as among those having the most. The explanation is that those who have tuberculosis in other States go there, often when it is too late, infect others there, and die there. The individual States can not regulate such matters as these. The Public Health Service now has power to stop absolutely the migration of a person with tuberculosis from one State to another, but it is not exercising it because a rigid invariable rule would be objectionable, and it has not had the means or the men to work out a system which will afford all possible relief to the sufferers and at the same time protect the helpless people on whom they now impose themselves.

Nothing is more needed than the actual regulation of this matter, which the National Tuberculosis Association is taking up at the urgent request of the people of some of the Southwestern States, and they are

urging that this division of tuberculosis be established now, so that whatever action is found necessary may be taken.

The war could not have been won by 48 separate campaigns by the different States. This enemy, tuberculosis, attacks the Nation, mobilizing its forces wherever the line of defense is weakest. The fight was begun by individuals and has moved up through cities, counties, and States until the need of prompt Federal participation is clear.

Another fact which calls for help is the effect of war conditions in civil life. There have been indications of late that the death rate from tuberculosis would increase instead of diminishing. The figures for 1917 for the whole country are not yet available for publication, but it is known that the rate is higher than for 1916; somewhere between those for 1914 and 1915, the first increase for many years. This is undoubtedly due in part to the pressure of industry, crowded working conditions, and the high cost of living, all of them national problems with which only the Federal Government can properly deal.

This statement is not meant to seek credit for the National Tuberculosis Association and its work, but to show that, however much it may have done in the past, the work now to be done is more comprehensive, and involves elements which private effort can not reach. But it is desirable to continue the earnestness and unselfishness which have been so important in the splendid results so rapidly accomplished thus far. This is provided for by the formation of the advisory council spoken of in section 2, which will give the Surgeon General the right to call upon the highest authorities in the country for advice and help in working out the problems of the Public Health Service. The compensation is trifling, but this identification with the interests of the Nation will insure the most loyal service, and the advice and support thus made available will be invaluable.

The National Tuberculosis Association will, of course, continue its efforts, and will steadily and freely do whatever lies in its power; but the high service it can render the cause to which it is devoted is to secure the passage by Congress now of this bill.

Thanking you sincerely for all your great interest, I am,
Yours, very truly,

WM. H. BALDWIN,
Chairman Committee on Federal Legislation.

TIMBER IN NEVADA.

The bill (H. R. 13056) to grant to citizens of Modoc County, Cal., the right to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes and to remove such timber to Modoc County, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND PATENTS IN HAWAII.

The bill (S. 5343) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii and to issue land patents to those eligible under the terms of said agreements, was announced as next in order.

Mr. LENROOT. Let that go over.

Mr. SAULSBURY. I do not know which Senator made the objection, but I wish he would withhold it and permit the consideration of the bill. There are 26 people in Hawaii who own land in the island of Maou. The whole tract does not cover more than 500 acres. There are 33 parcels of land. These homesteaders took up their homesteads originally and found the land absolutely unavailable because of the character of the soil. Then the homesteaders, on the advice of the commissioner, surrendered those homesteads and took up other lands, but found afterwards that the advice was wrong in that there was no legal authority to surrender their land and take up new homesteads. The Territory of Hawaii, through its legislature, has adopted resolutions approving this measure. Every officer of the Government whose attention has been brought to it has approved it. It is simply for the relief of 26 homesteaders in Hawaii.

Mr. LENROOT. The only difficulty is that they had taken homesteads previously, which they gave up on the advice of the commissioner.

Mr. SAULSBURY. That is the understanding.

Mr. LENROOT. That was the only reason.

Mr. SAULSBURY. That was the only reason of which I am aware, and the report shows that.

Mr. LENROOT. I withdraw the objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the governor of the Territory of Hawaii is hereby authorized and directed to ratify and carry into effect the agreements made by the commissioner of public lands of the Territory of Hawaii with certain homesteaders, referred to in the resolution adopted by the Senate and House of Representatives of the Territory of Hawaii, April 26, 1917; also to issue land patents to those living up to the terms of the agreements when same have been completed; also to issue land patents to those who have already complied with all the terms of their agreements, and to ratify and confirm the land patents already issued to homesteaders in accordance with the provisions of the resolution of the Senate and House of Representatives, Territory of Hawaii, of April 26, 1917, above mentioned.

SEC. 2. The governor shall report to the Secretary of the Interior the action taken by him hereunder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE RIGHT OF ENTRY.

The bill (H. R. 5559) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 10, before the word "Carey," to strike out "such," and in line 12, after the word "had," to strike out "initiated a claim under the State laws" and insert "entered the land under and pursuant to the State laws providing for the administration of the grant under the Carey Act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion and under such rules and regulations as he may establish, to allow for not exceeding ninety days to any Carey Act entryman a preference right of entry under applicable land laws of any of such lands to which such person had entered the land under and pursuant to the State laws providing for the administration of the grant under the Carey Act, and upon which such person had established actual bona fide residence, or had made substantial and permanent improvements.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND RESOLUTION PASSED OVER.

The bill (H. R. 7236) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes, approved May 11, 1898, was announced as next in order.

Mr. LENROOT. Let that go over.

Mr. MYERS. I wish to make a statement about the bill. It will not take more than a minute. This bill was introduced in the House of Representatives by Mr. SMITH of Idaho, passed the House, and came to the Senate Committee on Public Lands. I carefully looked into it and recommended its passage.

It simply provides that in the construction of Government reclamation projects, where it is necessary to have a road across a little public land or a camping site for employees, for putting up a boarding house temporarily, or something of that kind—a few acres of land for administration and executive purposes—they shall have that right. The bill, I think, is perfectly harmless. I have no interest in it, but Representative SMITH of Idaho spoke to me about it, and having passed the House and having been carefully looked into and recommended by the Senate Committee on Public Lands, and serving a useful purpose, I think it ought to pass. I appeal to the Senator who made the objection to withdraw it.

Mr. LENROOT. I will state that my objection to such bills is that it grants a title to land, whereas the Secretary of the Interior in his report recommends only an easement. I am opposed to granting a title for any such purpose.

The PRESIDING OFFICER. The bill will go over.

The next business on the calendar was Senate resolution (S. Res. 438) requesting the Secretary of State to furnish the Senate certain information.

Mr. KING. Let that go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5554) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made.

Mr. KING. I will ask the Senator from Montana [Mr. WALSH], the chairman of the Committee on Pensions, if he thinks this measure is so important as to require attention at this time.

Mr. WALSH. I think it ought to have the consideration of the Senate.

Mr. KING. Very well; I withdraw my objection.

The Senate as in Committee of the Whole proceeded to consider the bill.

It proposes to place on the pension rolls the following:

The name of Jonathan M. Ragner, late of Company B, Twenty-seventh Regiment Missouri Volunteer Mounted Infantry, and pay him a pension at the rate of \$21 per month in lieu of that he is now receiving.

The name of Peter L. Leuszler, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pen-

sion at the rate of \$40 per month in lieu of that he is now receiving.

The name of R. W. Duncan (colored), known as Pack Duncan, late guide, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary E. Williams, widow of William H. H. Williams, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Mary Alcinda Wingert, helpless and dependent daughter of Martin B. Wingert, late first lieutenant Company A, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$12 per month.

The name of Leonora V. Lunt, widow of George H. Lunt, late of Company F, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of William H. Makee, late of Company D, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles E. Haskell, late unassigned, Maine Volunteers, and unassigned, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$21 per month.

The name of Sarah Van Doozer, widow of William N. Van Doozer, late of Company A, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Anna F. Baugh, widow of Jacob L. Baugh, late of Company A, One hundred and fourteenth Regiment, and Company E, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Esther U. McKelvey, former widow of James Ling, late of Company B, Eighth Regiment, and Company D, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and widow of Henry E. McKelvey, late of Company K, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Mary Snow, widow of Dennis T. Snow, late of Company G, Thirty-first Regiment Iowa Volunteer Infantry, and Company I, Tenth Regiment Veteran Reserve Corps, and former widow of John A. Smith, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Martha A. Tucker, former widow of Jesse T. Breedlove, late of Company A, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$25 per month.

The name of Mary M. Ayer, former widow of James Stanley, late of Company A, First Battalion Sharpshooters, Maine Volunteer Infantry, and Company A, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Frederick Deppe, late of Company B, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Eliza E. Herman, former widow of Robert H. Herman, alias Robert Harmond, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of George N. Morse, late of Company K, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Hulda Johnson, widow of James M. Johnson, late of Company B, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Sarah F. Steele, former widow of John S. Steele, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Josiah McKnight, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Sylvester H. Gaskill, late of Company G, Fourth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Jennie Magee, widow of Samuel H. Magee, late acting second assistant engineer, United States Navy, and pay her a pension at the rate of \$25 per month.

The name of Henrietta Buswell Brown, widow of Henry E. Brown, late of Company A, Twenty-eighth Regiment Pennsyl-

vania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Joseph Masden, late of Company E, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary L. Colnay, former widow of William Graham, late of Company I, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Cora W. Merryman, widow of David C. Merryman, late of Company B, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Alexander D. Tanyer, late captain Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of W. Lafayette League, late of Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary Hermann, former widow of Jacob Schlossstein, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Clara Stillman, widow of Willett D. Stillman, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and former widow of Oscar L. Myers, alias Henry Myers, late of Company K, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Mary Rumbold, widow of Charles H. Rumbold, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Nancy J. Bower, widow of John Bower, late of Company D, Eighty-second Regiment Ohio Volunteer Infantry, and former widow of Levi Shaul, late of Company A, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of William H. Henkle, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Camm T. Sanders, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John T. Showalter, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Cora C. O'Neill, widow of Arthur O'Neill, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$20 per month.

The name of Anna C. Seaman, former widow of Joseph Robinson, late of Company A, Sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Davis Parsons, late of Company H, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frances L. Haha, widow of Frederick Haha, late of Company G, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Abbie B. Garrett, widow of John M. Garrett, late of Company H, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Susan E. Guyn, former widow of Joseph T. Marshall, late of Company I, Fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of William McDonald, late of Company F, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John W. Huffman, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Boman R. Butcher, late of Company H, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry H. Niles, late of U. S. S. *Moose*, United States Navy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Charles F. Perry, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James Hanners, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$21 per month in lieu of that he is now receiving.

The name of Catherine A. Brownlee, widow of William H. Brownlee, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and former widow of Levi Remick, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Ida B. Willison, widow of John C. Willison, late of Company L, Fourth Regiment United States Cavalry, and pay her a pension at the rate of \$25 per month and \$2 per month additional on account of the minor child of said John C. Willison until she reaches the age of 16 years, all such pension to be in lieu of that now being paid under minor's certificate No. S10234 on account of said minor child.

The name of George Graham, late of Company E, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert F. Nelson, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis Newman, late of Company H, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John W. Combs, late of Company D, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Elizabeth Hagadorn, widow of Henry J. Hagadorn, late of Company H, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Ida V. Haskins, widow of Hiram S. Haskins, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Clara E. Buckland, former widow of Jason I. Noland, late of Companies F and C, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Henry M. Chase, late of Company A, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William T. Potts, late of Company E, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Louisa Jones, former widow of Rudolph Blum, late of Companies K and B, Ninth Regiment Wisconsin Volunteer Infantry, and widow of Abraham Jones, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Andrew J. Moody, late of Company H, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William F. Blanchard, late of Company B, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William B. Douglas, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Emeline C. Starr, helpless and dependent daughter of George Starr, late of Company E, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Samuel Lockwood, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ella A. Mead, widow of James A. Mead, late of Company B, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Isaac D. Hamilton, late of Company A, Sixth Regiment, and Company F, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Wiley, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Newell Strout, late captain Company K, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucy A. Schriver, former widow of Nelson M. Tenney, late of Company I, Forty-third Regiment Wisconsin

Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Jesse W. Bowdle, late of Companies F and A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month, without deduction or rebate on account of former alleged erroneous payments of pension.

The name of Sarah M. Geiger, former widow of Henry H. Geiger, late of Company A, Eighty-fifth Regiment, and Company G, One hundred and thirty-third Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Isabell Cunningham, widow of Washington Cunningham, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John Cunningham, helpless and dependent son of said Washington Cunningham, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Isabell Cunningham the name of said John Cunningham shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Isabell Cunningham.

The name of James H. Cornell, late of Company I, Sixth Regiment Minnesota Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Lucina E. Smith, former widow of Ira G. Christian, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of James C. Daly, late of Company A, Battalion Volunteer Cavalry, Mississippi Marine Brigade, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Jennie L. Barrows, helpless and dependent daughter of Benjamin G. Barrows, late of Capt. Cobb's company, State Guards, Maine Militia Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mary M. Hood, widow of Robert Hood, late of Company B, Thirteenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The name of Amos L. Hood, late of Company D, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$32 per month in lieu of that he is now receiving, the same to be paid to him without deduction for any alleged former erroneous payments of pension.

The name of Henry H. Hering, late captain of Company E, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Maranda E. McHaffie, widow of Oscar F. McHaffie, late of Capt. A. J. Lee's company, attached to Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of George F. Griffith, alias Frank W. Morton, late of Troop D, First Regiment United States Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Carrie E. Hewett, former widow of Hollis Smart, late of Company A, Maine Coast Guard Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Robert B. Patrick, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George F. Hood, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Stewart Orr, late of Company C, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Effie E. Milton, widow of John C. Milton, late of Companies F and C, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Hermann Hoffmeister, late of Company C, Second Regiment Missouri Volunteer Infantry, and Company H, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Alonzo R. Cole, late captain Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Sarah F. Robinson, former widow of Samuel W. Blethen, late of Company F, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of George Forker, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Georgia M. Hodgson, widow of Daniel B. Hodgson, late first lieutenant U. S. S. *Reliance*, United States Revenue-Cutter Service, Civil War, and captain U. S. S. *McCulloch*, United States Revenue-Cutter Service, War with Spain, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Milton W. Burnham, late of Company K, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Sarah C. Vaughan, former widow of Augustus Vaughan, late of Company A, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of James H. Johnston, late of Company C, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John F. Lichty, helpless and dependent son of Jacob P. Lichty, late of Company H, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Rouser Mettler, late of Company K, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Arabella Roberts, widow of George J. S. Roberts, alias James S. Roberts, late of the U. S. S. *Grampus*, *Eastport*, and *Red Rover*, United States Navy, and pay her a pension at the rate of \$25 per month.

The name of Alonzo J. Finch, late of Company G, Forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Levi M. Starne, late of Company B, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catharine Derstine, permanently helpless and dependent daughter of John F. Derstine, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Horton Mosher, late of Company G, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Alexander Faries, late of Company A, Sixth Regiment, and Company F, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob R. Stillwagon, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Franklin Bryan, late of Company F, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$46 per month in lieu of that he is now receiving.

The name of William Dugent, late of Company B, Thirteenth Regiment Maryland Volunteer Infantry, and Company D, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month.

The name of Benjamin A. Sturtevant, late sergeant major and first lieutenant Company B, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William E. Hughes, late of Capt. Foxwell's Company (Henderson Guards), Second Battalion, District of Columbia Militia Infantry, and pay him a pension at the rate of \$20 per month.

The name of James Rowland, late of Company K, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Edward D. Hamilton, late of Company G, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of William J. Vanhoose, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Daniel C. Darlington, late of Company F, Purnell Legion, Maryland Volunteer Infantry, and Company F, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Mary A. Lake, former widow of Amby M. Welch, late of Company I, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The name of Isaac N. White, late of Company B, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

Mr. WALSH. On page 3, line 18, I move to strike out lines 18 to 23, inclusive, in the following words:

The name of Mary Snow, widow of Dennis T. Snow, late of Company G, Thirty-first Regiment Iowa Volunteer Infantry, and Company I, Tenth Regiment Veteran Reserve Corps, and former widow of John A. Smith, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

I move the amendment, the beneficiary being dead.

The amendment was agreed to.

Mr. WALSH. Likewise on page 9 I move to strike out lines 1 to 4, inclusive, in the following words:

The name of John W. Huffman, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. On page 12 I move to amend by striking out lines 11 to 14 in the following words:

The name of William B. Douglas, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. After line 19, on page 21, I move to insert:

The name of Ella E. Smith, widow of John A. B. Smith, rear admiral, United States Navy, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. WALSH. After line 23, on page 21, I move to insert:

The name of Alice Chenoweth Day, widow of Selden Allen Day, late colonel, Coast Artillery Corps, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. WALSH. I also move to add:

The name of Henry S. Silsby, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALSH. I ask that the following statement be inserted in the RECORD.

The statement is as follows:

S. 5211. Henry S. Silsby was a member of Company G, Fifth Regiment New Hampshire Volunteer Infantry, known in the Army of the Potomac as "The Fighting Fifth." He enlisted August 11, 1862, and served over three years, being discharged August 24, 1865, for physical disability, namely, hydrocele and atrophy of left testicle.

He is nearly 74 years of age and receives a pension of \$40 per month under certificate No. 136704. He was formerly pensioned at \$25 per month under the age and service act of May 11, 1912. His original allowance of pension was under the general law at \$4 per month from discharge; increased to \$5, November 1, 1871; to \$8, February 9, 1882; to \$10, April 27, 1887; and to \$17, February 6, 1895, for hydrocele and atrophy of testicles and intolerance of heat, result of sunstroke, all incurred in the service.

Medical and other evidence submitted to the committee shows that soldier is an infirm and tottering old man, suffering from rheumatism, heart disease, enlarged prostate, and other infirmities of age; also that he is nearly blind and barely able to get about, and is in such an enfeebled condition that he can do no kind of labor and requires the watchful aid and care of an attendant. He is also shown to be very poor and without property and with no other support than his pension.

In view of soldier's advanced age, his long and honorable service, his poverty and helplessness, party due, no doubt, to disabilities incurred in service, your committee report the bill favorably with recommendation for increase of pension to \$50 per month.

S. 5649. Alice C. Day is the widow of Selden A. Day, late second lieutenant, Fifth United States Artillery, and colonel, Artillery Corps, United States Army, retired.

Col. Day entered the Army June 20, 1861, as private in Company C, Seventh Ohio Infantry. He was appointed second lieutenant in the Fifth Regular Artillery, April 7, 1864, and continued in active service until July 22, 1902, when he was placed on the retired list. He was made lieutenant colonel July 1, 1901, and was advanced to the grade of colonel on the retired list April 23, 1904. Had it not been for irregular promotions (through which he lost, by no fault of his own,

an entire grade) he would have been retired as brigadier general. He served his country honorably and faithfully in the Army for upward of 41 years.

Col. Day died at his home in Washington December 22, 1918. His widow, the beneficiary under this bill, whom he married April 9, 1902, is now receiving the pension of \$25 per month (certificate No. 861885) provided by the acts of April 19, 1908, and October 6, 1917, for the widow of an officer or enlisted man who served 90 days in the Civil War. She is unable to obtain an allowance under the general law more commensurate with the rank and service of her distinguished husband, for the reason that she can not prove that his death was due to wound, injury, or disease incurred during the period of his actual service with the Army.

Mrs. Day is now well advanced in years, and, as the evidence shows, without income of any kind for her support. She has a home property, which is encumbered by mortgage, and also the right to a small amount of unimproved land, which is a burden and expense and produces no income. We append hereto an extract from the Army and Navy Register showing something of this officer's record.

In view of the long and exceedingly valuable services of Col. Day and the widow's necessitous circumstances, your committee report the bill favorably with recommendation for increase of pension to \$50 per month.

Col. Selden Allen Day, United States Army, retired, passed from this life, after a prolonged illness resulting in general breakdown, December 22, 1918, in the eighty-first year of his age, at his home, 1838 Lamont Street, Washington, D. C., where a brief service was held. Col. Day was a member of the Unitarian Church, but it was his wish that his funeral be strictly private and that it be conducted by his old comrade and long-time friend, Henry N. Couden, Chaplain of the House of Representatives. The immediate family and a small group of his Masonic and military friends only were present. Col. Day leaves a widow here and several brothers and sisters in California and New York. His five nephews are with the Army in France, four of the five being officers. The Chaplain read the thirteenth chapter of First Corinthians, which was followed by a prayer and a tribute to his memory as a soldier. The Masonic burial service was then performed, after which the military took charge and conveyed the body to Arlington, where it was buried with full military honors. The old soldier has made his last march, fought his last battle, heard for the last time taps, and has laid himself down to peaceful repose on fame's eternal camping ground, where, we confidently trust, he has heard ere now the reveille which calls him from slumber to the larger life and nobler activities. Col. Selden Allen Day possessed a remarkable personality, and, though he has passed from this life, his heroic deeds live and are worthy of emulation by all true men. Col. Day's military career began when he raised a company of volunteers at the first call for troops in 1861. Owing to the excess of troops enrolled under this call, his company could not be mustered and was disbanded. He then enlisted as a private in Company C, Seventh Ohio Infantry. He was appointed a second lieutenant, Fifth Artillery, and in the spring of 1864 was ordered to the front. He joined Battery A in the Battle of Cold Harbor and was brevetted first lieutenant for gallantry in that action. He served continuously in the field until the close of the war. He was one of the lieutenants in charge of Jefferson Davis during his imprisonment at Fortress Monroe, and retained the lifelong friendship of the Davis family because of his humane and soldierly treatment of his prisoner. He was graduated from the Artillery School in 1874 and from the Medical College of the State of South Carolina in 1880. He was promoted to captain, Fifth Artillery, in 1886. He was mentioned, with others, in the general order from headquarters of the Army in 1897 for gallantry displayed in the rescue of 17 people from a sinking steamer in a storm at Fort Canby, Wash., February 28, 1896. At the opening of the War with Spain he became major of the Fifth Artillery and, while in command at Galveston, was ordered to Cuba and Porto Rico. After the promulgation of peace he took over the forts and armament, hoisted the flag over El Morro Castle at San Juan, and fired the national salute on the day of final occupation, October 18, 1898. After a long term of duty in the Tropics, Col. Day was ordered home and to command Fort Williams, Portland, Me., and reached the retiring age while there. Had it not been for irregular promotions (through which he lost, through no fault of his own, an entire grade), he would have been retired as brigadier general. A bill to correct that wrong was in Congress, but was never pushed to action. Col. Day's unflagging efforts for the advancement of the profession to which he had given his whole life are also matters of record. A number of his inventions are in use, and he was engaged for several years past in perfecting flying-machine parts. He held patents in eight of the belligerent countries on a flying machine, upon which he was still working when the war with Germany was declared, when he offered his services and his inventions to the Government. The "dum-dum," or soft-pointed bullet for small arms, was invented by Col. Day and patented by him in all prominent countries except the United States. He has been frequently employed in scientific work, for which his qualifications as a physician and surgeon, an expert rifle shot, and his knowledge of explosives specially fitted him. Interment was at Arlington on December 24.

S. 4948. Ella E. Smith is the widow of the late Rear Admiral John A. B. Smith, United States Navy, retired.

John A. B. Smith was born in Baltimore, Md., March 21, 1843. He entered the Navy from civil life April 21, 1863, by appointment on that date as third assistant engineer and was in active service continuously through the several grades to the rank of rear admiral until March 21, 1905, when he was placed on the retired list. He was immediately, however, detached from the retired list and continued on active duty until August 1, 1908. He was made rear admiral March 21, 1905. He was a capable and efficient officer. We append hereto a complete statement of the officer's service.

Admiral Smith died at New Orleans, La., March 9, 1918. His widow, the beneficiary under this bill, is now receiving the pension of \$25 per month (certificate No. 854250) provided by the act of October 6, 1917, on account of the officer's service in the Civil War. She is unable to obtain pension under the general law more commensurate with the rank and service of her distinguished husband for the reason that she can not prove that his death cause originated prior to his retirement from active duty. She married the deceased officer October 10, 1871.

Mrs. Smith is nearly 68 years of age, and, as the evidence shows, in straitened circumstances and with but little means for her support. In view of the long and exceedingly valuable services of Admiral Smith and in the light of numerous precedents, your committee report the bill favorably, with recommendation for increase of pension to \$50 per month, which is the amount heretofore allowed in similar cases.

J. A. B. Smith entered the service from civil life on the 21st of April, 1863, as third assistant engineer; was ordered to the U. S. S.

Housatonic, off Charleston, S. C., in June, and served on that vessel until she was blown up by a torpedo on the night of February 17, 1864; was rescued by boat from *Canandaigua*; on account of the crowded condition of that vessel, was sent to the U. S. S. *Wabash*; served on that vessel until May; after going north for a new outfit, was ordered to the U. S. S. *Paul Jones*; served on that vessel in Stone Inlet and Ossibau Sound; after the *Water Witch* was captured, came north in *Paul Jones*; in August, 1864, was ordered to U. S. S. *Mohongo*, building at Jersey City. Promoted to second assistant engineer September 25, 1864; made the trip from New York to San Francisco in *Mohongo*, and was detached on the 7th of August, 1867; served on the trials of the *Contocook*, *Moshutan*, *Pasmalation*, and *Miantonomah* in latter part of 1867-68; joined U. S. S. *Saco* at Aspinwall in September, 1868, and, on that vessel going out of commission, was ordered to U. S. S. *Seminole*, sent out to capture the pirate steamer *Telegraph*, supposed to be at Samaria Bay; served on *Seminole* until December, 1869; ordered as chief engineer of *Mayflower* in August, 1870, and went in that vessel to Mexico, in connection with the Sausfeldt Expedition to survey for canal (Tehuantepec Canal); returned in 1871, and was detached in May; ordered to League Island Station, and served until 1873; was ordered to *Saugus* in July, 1883; was chief of that vessel during the *Virginia* excitement. Was promoted to passed assistant engineer January, 1873; went to Pensacola on *Saugus*, and was then ordered as chief of that yard and served there during the epidemic of yellow fever, 1874; was relieved in November of 1874, when yard was reported healthy; granted six months' leave; ordered to *Hartford*, flagship of North Atlantic Squadron, in December, 1875, and served on that vessel until August, 1877, part of the time as chief engineer; ordered to U. S. S. *Wyandotte* at Washington yard, in December, 1877; was detached in May, 1880, the last year as chief engineer; in September, 1883, was ordered in charge of stores at Norfolk Navy Yard, and chief engineer of receiving ship *Franklin*; served there until May, 1886; was then ordered as senior assistant of the new cruiser *Atlanta*; served on her during all of her trial trips, and until November, 1888; in December, 1888, was ordered to duty under Naval Advisory Board at Washington; on April 1, 1889, was ordered to inspection duty at Cramp's shipyard, in connection with U. S. S. *Philadelphia*, served on trial trips of the *Baltimore*; was detached December 4, 1889, and ordered as inspector of cruiser No. 9, at Baltimore. Served as chief engineer U. S. S. *Montgomery*, 1890 to 1891; chief engineer of the U. S. S. *Texas*, 1892 to 1893; engineer officer of the Norfolk Navy Yard, 1894 to 1898; promoted to captain when the Engineer Corps was combined with the line of the Navy in 1898; ordered to New York in 1899 to rebuild the machine shop at the New York yard; served as engineer officer New York yard 1899 to 1905; superintended the construction of the engines for the U. S. S. *Connecticut* while attached to the New York yard. Promoted to rear admiral March 21, 1905; placed on the retired list in 1905, on account of age, but kept on active duty until 1909, as general inspector of machinery and president of the board on changes for ships under construction. Died in New Orleans, La., March 9, 1918.

The bill (S. 5553) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

It proposes to place on the pension roll the following:

The name of Charles F. Cavanaugh, late of Company F, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Milton M. Lille, late of Company F, Second Battalion of Engineers, United States Army, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of Amme A. Wilson, late of Company H, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Charles B. Smith, late of Troop G, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Edward Flannery, late of Troop G, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Thomas Kent, late of Thirty-sixth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Palmyra Johnson, dependent mother of Edward W. Johnson, late of Company K, Twenty-fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The name of James A. Criswell, late of Company D, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Henry L. Henrysen, late of Company B, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Isaac F. Roberts, late of Company D, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of Eugene M. Symonds, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The name of Mary E. Allen, former widow of William T. Boles, late of Captain Preston's company, First Regiment Virginia Volunteers, War with Mexico, and pay her a pension at the rate of \$25 per month.

The name of Frank H. Seay, late of Company L, Forty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of William H. Hart, late fireman, second class, United States Navy, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Thomas J. Scanlain, late of Company C, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of Arthur G. Bosson, late of Company C, Fifth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert Grimes, late of Company D, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The name of James L. Graham, late of Thirty-second Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of David Britton, late of Troop H, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Tarter, late of Company A, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Clark, late of Company K, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George E. Lawrence, late captain, United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of \$20 per month.

The name of Charles Weitfle, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of Mary Melissa Anderson, widow of John F. Anderson, late of Company F, Calhoun's Mounted Battalion, Georgia Volunteers, War with Mexico, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Wilfred W. Phaneuf, late of Company M, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The name of Rufus H. Hopkins, late of Company F, Seventeenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The name of Ulysses S. G. Canfield, late of Troops C and E, Eleventh Regiment United States Cavalry, and Company A, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Joseph J. Horan, late of Company E, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Dennis Driscoll, late of Troop I, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James D. Wilder, late of Troop M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lemuel Lurger, late of Company M, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George Moir, late of Battery B, Battalion Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles H. Skillings, late of Company M, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elizabeth E. Baker, widow of Laurence S. Baker, late second lieutenant, Companies A and F, United States Mounted Rifles, Texas and New Mexico Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John F. Manuel, late of Capt. Alexander McRay's company, Nauvoo Legion, Utah Volunteers, Utah Indian

war, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. Culbertson, late Indian scout, United States Army, Indian wars, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Elvina Adams, widow of William R. Adams, late of Capt. Newbern's and Capt. Johnson's companies, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Jones, widow of Harry Jones, late of Company F, Sixth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Cornelia A. Nickels, widow of John A. H. Nickels, late commodore, United States Navy, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of James J. Butler, late of Company L, First Regiment Washington Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Susan Owens, widow of Thomas J. Owens, late of Company B, Twelfth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of John Franklin Haynes, late of Company E, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Marion T. Mitchell, late of Company E, Signal Corps, United States Army, War with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Francis E. Searway, late of Company H, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John J. Duke, late of Company H, Thirtieth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emeline A. Spaulding, widow of Herbert O. Spaulding, late of Company G, Second Battalion, Eleventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Jacob D. Emery, late of Company M, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Albert L. Newland, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. McMahan, late of Company E, Sixteenth Regiment, and Company I, Nineteenth Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Oscar S. Pomeroy, late of Company F, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David W. Herriman, late of Company B, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edwin W. Gordon, late of Company G, Thirtieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of John Daley, late of Company F, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$50 per month.

The name of Charles F. Hahn, late of Company D, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Arthur H. Letts, late of Company G, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Carrier Thompson, late of Company L, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Floyd E. Driskel, late of Troop I, First Regiment United States Cavalry, War with Spain, and pay him a

pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah Hale, widow of George W. Hale, late of Company B, First Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of \$25 per month.

The name of Amanda F. Mahin, widow of Elijah L. Mahin, late of Company B, Third Regiment Kentucky Volunteers, War with Mexico, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of William W. Treadway, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Benjamin H. Kimbler, late of Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lee Begley, late of Company M, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry Fields, late of Company A, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charley Shelton, late of the Eighty-second Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

Mr. WALSH. I move to amend by striking out, on page 11, lines 3 to 6, inclusive, the following words:

The name of Floyd E. Driskel, late of Troop I, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. On page 12, after line 9, I move to insert:

The name of James A. Cox, late of Company D, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

Mr. WALSH. I also move to add the following:

The name of John D. Harkless, late second Lieutenant, Company F, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The amendment was agreed to.

Mr. WALSH. I also move to add the following:

The name of Mike A. Langeneck, late of Company D, Second Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WALSH. I also move to add the following:

The name of Joseph R. Owens, late of Battery E, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

Mr. SMOOT. I ask the Senator if he will file the report with the bill at this time?

Mr. WALSH. I submit the following statement for the RECORD:

S. 5550. James A. Cox was a member of Company D, Fourth United States Infantry, in which he served three years, from September 29, 1896, to September 28, 1899, when honorably discharged. He took part with his company in the Santiago campaign during the War with Spain and also served for some months in the Philippine Islands.

He filed application for pension March 28, 1903 (No. 1298279), alleging that from exposure during service in Cuba and the Philippine Islands he contracted articular rheumatism, affecting the right sacroiliac articulation. In later applications he alleged also injury of left wrist, incurred in March, 1897, by fall on icy sidewalks.

The medical records on file in the War Department show that soldier was treated from March 6 to 19, 1897, for severe sprain of left wrist by a fall on icy sidewalk in line of duty. The claim for injury to left wrist was rejected, however, on the ground that a ratable degree of disability from such injury had not been shown from date of application. The claim for rheumatism of right sacroiliac articulation was rejected, after special examination, on the ground of no record of same in War Department, and the best obtainable evidence fails to establish origin of said disability in service or its existence at discharge.

The medical records of the War Department show that soldier was treated in Cuba August 2 to 8, 1899, for malarial fever and for same fever at Camp Wickoff, N. Y., September 9, 1898, and furloughed for one month. He was also treated in the Philippines in June and July, 1899, for acute diarrhea. The records further show that he was treated as an ex-Regular at Army and Navy General Hospital, Hot Springs, Ark., March 6 to April 2, 1903, for chronic articular rheumatism, right sacroiliac articulation.

The evidence on file establishes the fact that soldier was sound at enlistment, and there appears to be an equally good showing of rheumatism about nine months after discharge, and there is no question, as far as we can see, as to the continuance of the disability from that time to the present.

The evidence clearly shows that when soldier returned home on furlough in September, 1898, he was in poor health and weak and debilitated from malaria and fever contracted during the Santiago campaign. There is also evidence of soldier's sickness in the Philippine Islands and that

he frequently complained of pains in legs and hips. Some of his comrades testify to that effect, and the evidence as to his physical condition from the time of discharge is that he has not been in same good health as he was before enlistment.

Soldier was first officially examined August 5, 1903, by a full board of surgeons, who rated him \$17 on chronic rheumatism right sacroiliac articulation, \$4 on heart trouble, and \$6 on general debility. He was again examined the 7th of August, 1912, for injury of left wrist alone, which the board reported did not constitute a disability for manual labor. He was last examined October 4, 1916, by the Vinita (Okla.) board of surgeons, who rated him \$6 on injury of left wrist and \$12 on the rheumatic trouble.

Evidence filed with the bill is to the effect that soldier is practically unable to perform manual labor for the support of himself and family, and photographs submitted show that the disability has produced spinal curvature and some shortening of limb. He is 45 years of age and poor and in need of the relief a pension would give him.

The weight of evidence appears to indicate the service origin of the disability, and your committee report the bill favorably, with recommendation for pension at \$17 per month.

S. 5609. Mike A. Langeneck, of North Vernon, Ind., served during the War with Spain, Company D, Second United States Volunteer Engineers, from June 23, 1898, to May 16, 1899, when honorably discharged. I. Ctf. 1045272.

The soldier contracted rheumatism and resulting disease of heart, chronic diarrhea and disease of rectum, and piles in the service, and was allowed a pension of \$17, which he now receives, under the general law.

An increase was recently denied on the ground the present rate is adequate. In August, 1918, he filed testimony of a physician who states that he suffers so severely from rheumatism and resulting disease of heart, chronic diarrhea, and disease of piles, diseased rectum, as to be fully three-fourths disabled at all times for performing manual labor.

Boards of surgeons have recommended \$10 and \$12 for rheumatism and disease of heart and \$8 and \$10 for disease of rectum and diarrhea and piles. The last board made this recommendation.

With the bill the petitioner files an affidavit, in which he states he is wholly unable to perform labor an account of rheumatism, disease of heart, chronic diarrhea and resulting disease of rectum and piles, and that he owns no property other than household goods worth \$100.

Lay testimony sustains his allegations as to physical and financial condition. Medical testimony shows that this soldier is much of the time wholly disabled for manual labor by reason of severe rheumatism and resulting disease of heart, chronic diarrhea, resulting disease of rectum and piles, and all of the time is fully three-fourths disabled for performing manual labor. One of the physicians states that, in his opinion, this man is unable fully five-sixths of the time to perform work of any kind.

Your committee report the bill favorably, with recommendation for increase of pension to \$24 per month.

S. 5506. Joseph R. Owens enlisted April 17, 1899, as a private in Battery E, First United States Artillery, War with Spain, and was discharged by expiration of service April 16, 1902. He enlisted May 31, 1904, as coal passer in the United States Navy, and was discharged May 30, 1908. He again enlisted in the Navy May 5, 1913, as fireman, second class, and was discharged March 23, 1914.

Applicant's claim for pension, No. 1293532, which was first filed December 6, 1902, is based on bronchitis, chronic diarrhea, and stomach trouble, contracted during service in the Philippine Islands. The claim was rejected on the ground of no ratable degree of disability from causes alleged since date of filing application.

Applicant was sound at enlistment, as is evidenced by the report of his official examination at that time. Official records show that, commencing in August, 1899, he was under treatment on numerous occasions for acute diarrhea, chronic diarrhea, chronic amebic dysentery, malarial fever, anemia, and general debility, chronic catarrhal enteritis, and tonsillitis.

Evidence shows that applicant has been in poor health since discharge and more or less incapacitated for manual labor. Dr. Southgate Leigh testified that he attended applicant in September and October, 1912, for chronic diarrhea. Dr. James G. Riddick, testifying March 25, 1913, said that applicant had malaria in chronic form and trouble with bowels and stomach. Dr. Riddick again testified that he treated applicant for chronic bowel trouble in March, 1913, and again in August, 1914. Official records of the Navy Department show that during last enlistment applicant was admitted to hospital at Norfolk, Va., August 15, 1913, with appendicitis and was under treatment for two months, being operated on September 17, 1913.

Applicant was officially examined June 23, 1914, by a full board of surgeons, who rated him \$8 on chronic diarrhea. He is 39 years of age and in his own behalf states that he is wholly disabled for manual labor by reason of disease of stomach, bowels, and lungs, contracted in the service and line of duty; also that he has no property and no income.

The record and other evidence is in favor of his claim, and your committee report the bill favorably, with recommendation for pension at \$17 per month.

S. 2637. John D. Harkless was late second Lieutenant with Company F, Twenty-third Regiment Kansas Volunteer Infantry, in the War with Spain. He was enrolled July 6, 1898, mustered in July 16, 1898, and mustered out with company April 10, 1899.

On June 18, 1909, he made claim for pension (No. 1384157), alleging that in Cuba, about November 9, 1898, he contracted malarial fever in a chronic form. The claim was rejected November 9, 1909, on the ground that a ratable degree of disability had not been shown from date of filing from malarial fever. He filed a second claim January 19, 1916, alleging that in Cuba, in December, 1898, he contracted malarial poisoning; that since his discharge other complications have resulted, mainly rheumatism affecting his limbs, back, shoulders, and arms; also impaired hearing and eyesight; that he did not contract last-mentioned disabilities while in service, nor does he claim for any other disability of service origin than above stated. The claim was rejected in August, 1917, on the ground of claimant's manifest inability to furnish satisfactory evidence showing existence of malarial poisoning at date of discharge and continuance thereafter; rheumatism and impaired sight and hearing not alleged as of service origin.

The company muster-out roll shows soldier reported as sick in quarters November 9 to 12, 1898, December 2 to 6, 1898, and January 13 to 16, 1899; all in line of duty. The medical records on file in the War Department show that soldier was treated December 3 to 6, 1898, for malarial fever; January 14 to 18, 1899, diarrhea, acute complication; January 16, 1899, malarial fever. On examination preliminary to discharge soldier declared he had rheumatism in his hips; also right

foot sprained, the latter incurred November 23, 1898, in Cuba, on drill ground, the former on account of sleeping in damp tents. The surgeon reported "small tumor on back of right wrist, probably a ganglion, not permanent and not disabling."

Dr. S. P. Douglass, testifying September 4, 1909, said he had been soldiers' family physician for about three and a half years, during all of which time soldier suffered from chronic malaria and was not able to do manual labor.

Dr. L. MacLean, testifying August 21, 1909, said that he then found upon examination soldier's condition as follows: "Pulse 72, temperature 97 degrees, loss of eyesight about one-fourth from normal, tongue coated, and constipation and loss of appetite; he claims pains in legs and body at various times during the day or night, and from his history of lying on the ground in Cuba during the war the said soldier has chronic malaria and is not physically able to do manual labor."

Soldier was officially examined October 6, 1909, by the Pueblo (Colo.) board of surgeons, who reported as follows: "Height, 5 feet 4 1/2 inches; weight, 196 pounds; palms soft; muscles soft; body well nourished. Chest measurement at rest, 40; expiration, 41; inspiration, 42 inches. Both lungs normal upon percussion and auscultation. No rating."

"Heart: Apex beat in fifth interspace, 1 inch to right of left nipple line. No hypertrophy, no edema, no dyspnea or cyanosis, no valvular lesion. No rating."

"Urinalysis: Specific gravity, 1018, color amber, acid, no albumen, no sugar. No rating."

"Malarial fever: We find no malarial cachexia. Skin is normal to feel, conjunctivæ not yellow, tongue slightly coated; liver dullness extends from lower border of seventh to slightly below twelfth rib, slightly tender; no tenderness over abdomen; spleen dullness from ninth to lower border of eleventh rib, not tender."

"Rectum shows no hemorrhoids, no fissures, no stricture; abdomen measures 43 inches. No rating."

"We find no evidence of any glandular disease. No rating."

"No other disability is found to exist."

Accompanying the bill is affidavit of Dr. J. Q. A. Webb, who states that he treated soldier from February 1, 1914, to February 5, 1915, for malarial cachexia, with secondary complications of rheumatism and otitis media, with total deafness of right ear; that soldier was physically unable to support himself by manual labor to any extent.

Affidavit of Dr. S. G. Holmes, who stated that soldier came under his care April 5, 1917, and was treated for chronic malaria, rheumatism, deafness of right ear, and errors of vision.

Soldier is 50 years of age, and two neighbors testify that he is physically incapacitated for performing manual labor, and that he has no property and no income. It further appears that he is crippled by amputation of left arm above wrist, which entirely incapacitates him for manual labor; he claims this to be caused by poor health resulting from service in Cuba during the War with Spain. In his own behalf he makes the following statement:

UNITED STATES OF AMERICA,

District of Columbia, ss:

John D. Harkless, of Washington, D. C., being duly sworn, deposes and says that he enlisted in the Spanish-American War in July, 1898, as a member of Company F, Twenty-third Regiment Kansas Volunteer Infantry, and was honorably discharged from said service in April, 1899; that at the time of his enlistment he was sound in health; that he performed the greater part of his military service in Cuba, having been there from August, 1898, to February, 1899, during which time the tropical climate, bad water, heavy rains, and hot weather had a material effect on his health, finally undermining his health and resulting in malaria and Cuban itch, which diseases exhibited themselves shortly after leaving the service. As a result of these diseases, affiant states that his blood became poisoned and that an abscess formed on his left arm, which necessitated amputation; that his said left arm was amputated above the wrist, which has totally incapacitated him for the performance of manual labor; that he also suffers severely from rheumatism and lumbago and also from deafness in the right ear, resulting from exposure in the service and line of duty; that he has no income whatever from any source; and that, on account of his destitute and disabled condition he feels that he is justly entitled to a pension at the rate of \$30 per month.

JOHN D. HARKLESS.

Subscribed and sworn to before me, a notary public, this 24th day of February, A. D. 1919.

[SEAL.]

JOHN J. MCGRAIN,
Notary Public.

My commission expires June 23, 1923.

Your committee report the bill favorably with recommendation for pension at \$24 per month.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 14894) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 9, to strike out:

The name of Benjamin Foust, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to strike out:

The name of William T. Slocum, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of Emma L. Pugh, widow of Samuel Pugh, late of Company D, First Michigan Volunteer Light Artillery, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 21, before the words "per month," to strike out "\$30" and insert "\$12," so as to make the clause read:

The name of Simon Z. Whiteleather, late of Company H, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of William Row, late of Company B, Forty-third Regiment, and Company H, Fiftieth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to strike out:

The name of Margaret Steele, widow of Edward T. Steele, late of Company I, Twelfth Regiment Connecticut Volunteer Infantry, and Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to strike out:

The name of Rebecca Roszell, alleged helpless and dependent child of Charles M. Roszell, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out:

The name of William S. Nail, late of Company E, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to strike out:

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to strike out:

The name of Harriet J. Houghtaling, widow of Aaron Houghtaling, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to strike out:

The name of Walter L. Todd, late of Company I, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 7, to strike out:

The name of William H. Simmons, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to strike out:

The name of Joel Bryant, late of Company B, First Regiment East Tennessee National Guards, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to strike out:

The name of Sarah Morrill, former widow of Oel Morrill, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to strike out:

The name of James McNeal, late of Company A, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to strike out:

The name of Benjamin M. Donaca, late of Company C, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to strike out:

The name of John L. Wheeler, late of Company I, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 20, to strike out:

The name of John Clark, late of Company D, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "late," to strike out "clerk" and insert "of," and in line 15, before the words "per month," to strike out "\$35" and insert "\$30," so as to make the clause read:

The name of James Forsyth Harrison, late of Quartermaster Department, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 12, to strike out:

The name of Charles H. Johnson, late unassigned recruit, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 20, after the word "month" to insert "without deduction or rebate on account of former alleged erroneous payments of pension," so as to make the clause read:

The name of Franklin Kirby, late of Company D, Sixty-sixth Regiment Indiana Volunteer Infantry, and Company L, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month without deduction or rebate on account of former alleged erroneous payments of pension.

The amendment was agreed to.

The next amendment was, at the top of page 13, to strike out:

The name of William Schooley, late of Company K, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Margaret L. Cisney, widow of John W. Cisney, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out:

The name of Peter M. Smith, late of Company B, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 4, to strike out:

The name of John S. Miller, late of Company H, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out:

The name of Sarah E. Jackman, widow of Robert C. Jackman, late of Company G, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

Mr. THOMPSON. Mr. President, I trust that the House provision in the bill in this case will be restored. I am acquainted with some of the facts in the case, and I know the condition of the widow is far more serious than is indicated by the testimony. This is a very meritorious case, and if a pension is granted in any case it does seem to me this should be one of them.

I call the attention of the chairman to the report on page 34:

H. R. 12232. Sarah E. Jackman, aged 73 years, whose post-office address is 1337 North Topeka Avenue, Wichita, Kans., is the widow of Robert C. Jackman, late a sergeant, Company G, Eighty-second Regiment Indiana Infantry, from August 12, 1862, to October 9, 1862, when discharged on a surgeon's certificate of disability. Soldier was pensioned at \$17 per month, certificate No. 450331.

He and this claimant were married July 15, 1873, and were recognized as husband and wife to the date of his death, November 9, 1910. She has filed no claim for pension as his widow under the general law. She has no title under other existing laws.

Medical testimony filed in support of this bill indicates the claimant is in a practically helpless condition and unable to contribute to her own support, by reason of cancer of breast, almost total loss of vision of both eyes, general debility, and impairment of mental faculties, which is supplemented by the testimony of others indicating she is without adequate means of support. It is therefore recommended her name be placed on the pension roll at the rate of \$25 per month.

Mr. KING. Is the Senator trying to secure an increase?

Mr. THOMPSON. I am not. I am trying to get an original pension for a very worthy soldier's widow. She has never had a pension. I am trying to restore the item stricken out by the Senate committee, but which was passed by the House. I simply desire the Senate not to concur in the amendment. The widow married the ex-soldier in 1873 and she was his wife until the time of his death. A great many women married old soldiers in the last few years of their lives and have enjoyed the benefit of a pension. Here is one who lived with her ex-soldier husband practically all his life after his return from the Army, and I trust the Senate will not concur in the amendment. While her husband served only 58 days, yet he was honorably discharged on account of physical disabilities received in the service, and his widow should certainly be entitled to a pension.

Mr. CURTIS. I should like to indorse what has been said by my colleague and I hope the Senate amendment will be rejected. This soldier served in the Union Army and was discharged for disability contracted in the line of duty and drew a pension under the old law. He established his claim in the Pension Bureau, and the record shows that he was discharged because of disability contracted in the line of duty. He drew a pension at \$17 a month until he died. He married his present widow in 1873, and they lived together until he died. This woman is now helpless. She did not file a claim for pension in the department, because she could not establish the fact that her husband died as the result of disability contracted in the service, but the truth remains that he drew the pension for that disability contracted in the service, and the only reason he did not have longer service was the fact that he was wounded and discharged on a surgeon's certificate.

I do hope the chairman of the committee will permit the House provision to stay in the bill, and if the chairman does not consent I trust the Senate may disagree to the amendment of the committee.

Mr. WALSH. The only information I have about this is found in a brief statement about the case in the report on page 81:

H. R. 12232. Sarah E. Jackman (Rept., p. 34). Claimant's husband enlisted August 12, 1862, and after 59 days was discharged October 9, 1862, on account of phthisis pulmonalis, which may or may not have been of service origin. He was pensioned under the general law for chronic diarrhea and resulting piles. He died in November, 1910, some 48 years after his discharge, of disease of heart, aged 74 years and 8 months.

Claimant has never applied for pension under the general law, and there is no evidence to show that soldier's fatal disease resulted from the disabilities for which he was pensioned, or from the military service, in view of which and his very short service the committee feel compelled to report unfavorably in this case.

We felt that it would open the door to a large number of claims where the service was very brief, a policy that the committee does not feel that it ought to approve.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

On a division, the amendment was rejected.

The next amendment was, on page 16, after line 12, to strike out:

The name of Ambrose White, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 4, to strike out:

The name of Craig M. Geiselman, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

The name of Kata Peck, widow of Alfred Peck, late of Company D, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to strike out:

The name of Peter G. Wynegar, late of Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to strike out:

The name of James F. Scott, late of Company I, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 24, before the words "per month," to strike out "\$25" and insert "\$15," so as to make the clause read:

The name of Malinda J. Wilson, widow of Edward F. Wilson, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$15 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 4, to strike out:

The name of Martin McDermott, helpless and dependent child of Michael McDermott, late of Company I, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to strike out:

The name of Albert Ullman, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to strike out:

The name of Nancy A. Lawther, widow of James T. Lawther, late of Company B, Ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

The name of Peter Wagener, late of Company I, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 10, before the words "per month," to strike out "\$30" and insert "\$24," so as to make the clause read:

The name of David A. Conner, late of Company F, Seventh Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 20, after the word "Nancy," to strike out "Robertson" and insert "Robinson," and in line 21, before the word "Robertson," to insert "Robinson, alias Mitchell E.," so as to make the clause read:

The name of Nancy Robinson, widow of Mitchell E. Robinson, alias Mitchell E. Robertson, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to strike out:

The name of John A. Neff, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to strike out:

The name of George A. Hitchcock, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to strike out:

The name of Ann E. McGrew, widow of William T. McGrew, late of Company A, First Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 16, to strike out:

The name of Hamor H. Hanson, late of Company B, Eighty-first Regiment, and Company A, Fifty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 16, after the word "Infantry," to insert "and widow of Samuel Sides, late of Company H, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry," so as to make the clause read:

The name of Elizabeth Sides, former widow of Alexander Ruffner, late of Company C, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and widow of Samuel Sides, late of Company H, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 13, after the word "Infantry," to insert "and widow of Newton J. Perry, late of

Company I, One hundredth Regiment Ohio Volunteer Infantry," so as to make the clause read:

The name of Charlotte Perry, former widow of Hiram S. Barber, late of Company I, Fifty-fifth Regiment Ohio Volunteer Infantry, and widow of Newton J. Perry, late of Company I, One hundredth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to strike out:

The name of Rhoda Button, widow of James Button, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the words "per month," to strike out "\$30" and insert "\$20," so as to make the clause read:

The name of David Kimball, late of Company E, First Regiment Missouri Engineers of the West, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 1, after the word "Myra," to strike out the initial "S" and insert the initial "E," so as to make the clause read:

The name of Myra E. Stephen, former widow of John M. Stephen, late of Company H, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to strike out:

The name of Ellisha S. Perkins, late of Company B, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to strike out:

The name of Major Buley, helpless and dependent child of William J. Buley, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 31, after line 12, to strike out:

The name of Mary Jedowin, widow of Theophilus Jedowin, jr., late of Battery C, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of \$25 per month.

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to strike out:

The name of Thomas F. Duffy, late of Company B, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 16, to strike out:

The name of Daniel H. Woodruff, late of Company D, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 12, to strike out:

The name of Emella Branner, widow of John S. Branner, late of the Topeka Battery, Second Kansas State Militia, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

Mr. CURTIS. I hope the Senate committee amendment will not be agreed to in this case.

I knew Mr. Branner all my life. He was a member of what was known as the Topeka Battery, which took part in the Battle of the Blue. There were 21 men in that battery who, stationed in a little patch of woods, held off a regiment for over four hours, and when at last the regiment got into the woods they found that every member of the Topeka Battery was either killed or wounded.

Mr. Branner was a State militiaman. The pension laws which applied to the State militia expired in 1875. After July 1, 1875, no soldiers or the widows of soldiers of the State militia could obtain a pension. This man applied immediately after the war and drew a pension all his life. In the battle he was wounded in the arm and side. It was reported around Topeka that in the same battle he received an injury to his head, and ever afterwards he walked with his head to one side.

He died after 1875. The widow had no pensionable status in the Pension Office. Congress gave the widow a pensionable status in 1914 on the same basis as if she had applied before 1875 and granted her a pension of \$12 a month. If she had applied for a pension before 1875 and it had been granted her, she would now be drawing \$25 a month. I know that the widows of men who were killed or wounded in that battle who applied for pension prior to 1875 are now drawing \$25 a month.

This soldier married the widow in 1870. They lived together and reared a large family. His widow is now dependent upon the \$12 a month that she receives, and I submit to the Senate that if she had applied for a pension under the law prior to 1875 she would now be drawing \$25 a month. It is only fair to put her in the same status as are other widows who did apply for pensions before 1875.

I know this man only had 16 days' service, but that one Battle of the Blue was a battle that is known all over the West, and is a historic battle of the Civil War. I submit that this gallant little group of 21 men, who stood off a great regiment for four hours, are entitled to the recognition that they would have had had they served in the Regular Army. I hope the Senate will disagree to this amendment, and I hope they will allow this old woman a pension of \$25 per month.

Mr. WALSH. Mr. President, in view of the very distinguished service rendered by the husband of the beneficiary of this item in the bill, and notwithstanding his brief service, I do not myself want to offer any objection to disagreeing to the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be disagreed to. The Chair hears no objection, and the amendment is disagreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 33, after lines 16, to strike out:

The name of William O. Fraser, late of Company B, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to strike out:

The name of Matthew M. Eshelman, late of Company F, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 16, to strike out:

The name of George Walton, late of Company A, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to strike out:

The name of Walter R. D. Vaughan, late of Company K, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 7, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of John E. Beatty, late of Company D, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 12, to strike out:

The name of Wilson B. George, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 23, before the words "per month," to strike out "\$50" and insert "\$40," so as to make the clause read:

The name of John M. Dixon, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

REFUND OF IMPORT DUTIES.

Mr. WARREN. While I was absent from the Chamber a short bill was passed over on the objection of one Senator, who now has no objection to its consideration. I allude to the bill (S. 2496) for the refund of duties paid on material destroyed by fire. I ask unanimous consent that the Senate now may recur to that bill.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to recur to the bill named by him.

Mr. WALSH. What is the bill?

Mr. WARREN. It is a very brief bill, and I think it will not take up any time. If there is any discussion of it, I shall not insist on its consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2496) for the refund of duties on materials destroyed by fire.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION TO PORTO RICO.

The joint resolution (S. J. Res. 211) authorizing the appointment and sending of a commission to Porto Rico to study its industrial and economic conditions, and for other purposes, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Pacific Islands and Porto Rico with an amendment in section 1, page 1, line 4, after the word "than," to strike out the word "three" and insert "five"; in the same line, after the word "members," to insert "of whom one shall be a native and resident of Porto Rico"; and in line 6, after the words "be to," to strike out "proceed to" and insert "meet in," so as to make the section read:

That the President be, and he hereby is, authorized to appoint a commission of not more than five members, of whom one shall be a native and resident of Porto Rico, whose duty it shall be to meet in Porto Rico and to study, and make report to the President upon, the industrial and economic conditions of said island; and said commission shall have authority to appoint a secretary.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I shall not object to the consideration of the joint resolution if the Senator from Delaware desires it considered, but I can not see why a resolution of this kind ought to be passed.

Mr. SAULSBURY. Mr. President, I can explain this joint resolution very briefly.

The conditions in Porto Rico in many respects are now very much more serious than they ever have been. The Senator from Utah is doubtless aware that the population of Porto Rico is a very dense one; I think something like 625 per square mile. The population there is much more dense than is the population in this country. They have had recently down there very serious earthquakes, and they have had a severe epidemic of the influenza. The problems of social life and of education in Porto Rico are very grave ones to be met by this Government.

This joint resolution was brought to the attention of the Porto Rican and Pacific Islands Committee by the Insular Bureau. The proposal was to have three Americans sent to Porto Rico to examine conditions there and to report as to the amelioration of the conditions which have prevailed there for a long time, due to the causes to which I have referred. The committee, at the suggestion of the Delegate from Porto Rico, on a hearing and consideration, increased that commission to five members, providing that one member should be a native and resident of Porto Rico, so that certainly the Porto Ricans would have a voice in the investigations that went on.

There will be very little expense incurred, I am told, by Gen. Walcutt, who is the chief of the Insular Bureau, that he hopes it will not be more than a few hundred dollars. He is very anxious to get some information which it is almost impossible to get at this distance without special persons being sent down there. The appropriation for this year is limited to \$7,500 and the individual payments to the commissioners and the secretary to \$10 per day. It seems that it would be a very good thing to furnish the Bureau of Insular Affairs with this information, and after talking with the Chief of the Bureau of Insular Affairs, whom I know very well, I think this would be a very good joint resolution to pass.

Mr. SHAFROTH. Mr. President, I should like to say a word with relation to this matter, for I was the chairman of the Porto Rican and Pacific Islands Committee for a number of years.

I know there is considerable discontent over certain matters in Porto Rico, and I feel satisfied that if a commission could be appointed by the proper authority it would do much to improve existing conditions. The Porto Ricans were very enthusiastic over the organic act which was passed in the preceding Congress. This is not a matter of salaries; it is a matter merely of a few dollars to be expended for the purpose of ascertaining the condition of the people in Porto Rico and seeing whether legislation would remedy conditions. It seems to me the joint resolution should be passed.

Mr. SMOOT. I am not going to discuss this question at all; but as this joint resolution can not pass the House at this session, I will object to its consideration.

The PRESIDING OFFICER. The joint resolution goes over.

BILLS PASSED OVER.

The bill (S. 4968) to provide for the creation and establishment of a Federal Commission on Reconstruction, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The concurrent resolution (S. Con. Res. 25) to provide for the appointment of certain joint congressional committees on reconstruction, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The resolution goes over.

DISPOSITION OF INTOXICATING LIQUORS.

The bill (H. R. 10851) to provide a method for disposing of intoxicating liquors now or hereafter in the possession of United States court officials was announced as next in order.

Mr. KING. Mr. President, that bill was sent to the Senate by the Attorney General, who says that the condition is such as to demand the passage of the bill immediately. In the prosecution of a number of liquor cases a considerable quantity of liquor is now held, though the cases are ended. There is no method of disposing of such liquor. This bill is to make provision for the disposition of intoxicating liquors which may be held by the courts as the result of prosecutions. The passage of the bill is needed, and I sincerely hope no objection will be made to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, in section 4, page 2, line 23, after the word "uses," to insert "or to order the same sold for such purposes, the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts," so as to make the section read:

SEC. 4. That in all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold for such purposes, the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CORRUPT TRADE PRACTICES.

Mr. WALSH. Mr. President, when Order of Business 586 was reached objection was made to its consideration. It is the bill (S. 4603) to protect interstate and foreign commerce against bribery and other corrupt trade practices. I can not believe that there will be any opposition whatever to the bill. It is a law that is much needed.

Mr. OWEN. I withdraw my objection. I merely made the objection to save time.

Mr. WALSH. I ask unanimous consent that we recur to that bill.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to recur to the bill named by him. Is there objection?

Mr. SMOOT. I reserve the right to object to the bill until I see what it is. I ask that the bill be read.

The PRESIDING OFFICER. Without objection the Senate will recur to the bill. The Chair hears no objection. The Secretary will read the bill.

Mr. HARDING. I should like to have this bill go over.

Mr. SMOOT. This is a very important bill—

The PRESIDING OFFICER. Objection to its consideration has been made, the Chair will say to the Senator from Utah, and the bill therefore goes over.

REIMBURSEMENT OF FIRE LOSSES IN HAWAII.

The bill (S. 1765) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, was considered as in Committee of the Whole. It proposes to appropriate \$85,975 to pay to the Transatlantic Fire Insurance Co., \$9,500; Prussian National Fire Insurance Co., \$2,850; North German Fire Insurance Co., \$8,000; Hamburg-Bremen Fire Insurance Co., \$10,450; Royal Insurance Co., \$25,100; Liverpool and London and Globe Insurance Co., \$6,900; New Zealand Insurance Co., \$6,025; Fireman's Fund In-

surance Co., \$9,250; National Fire Insurance Co., of Hartford, Conn., \$4,150; Caledonian Insurance Co., of Edinburgh, Scotland, \$750; North British Mercantile Insurance Co., \$3,000; the sums mentioned being the amounts paid by each of the companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in that Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. W. E. CRAWFORD.

The bill (H. R. 2012) for the relief of Mrs. W. E. Crawford was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. W. E. Crawford \$140.40 in full compensation for services rendered as auxiliary carrier of mails at Decatur, Ala., from March 28, 1914, to June 28, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. EDDY.

The bill (S. 4864) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy was announced as next in order.

Mr. KING. I reserve the right to object to that bill. I should like to hear some explanation of it.

Mr. GRONNA. I observe that it was reported by the Senator from Indiana [Mr. New]. I am a member of the Claims Committee, but I did not have an opportunity to attend when this bill was considered. I hope the Senator will not object to the bill, but let it go over without prejudice.

Mr. KING. Very well. I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 4263) for the relief of Capt. Frederick B. Shaw was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5019) for the construction of a memorial archway at Vicksburg, Miss., and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5334) to correct the military record of Jesse E. Smalley was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PROCEEDINGS OF AMERICAN MERCHANT MARINE CONFERENCE.

The resolution (S. Res. 452) to print the manuscript entitled "Proceedings of the conference on the American merchant marine" as a Senate document was announced as next in order.

Mr. SMOOT. I object to that resolution.

Mr. RANSDELL. I hope the Senator will allow me to make a very brief explanation before he objects. The conference referred to in this resolution was a very important conference held in this city and addressed by two Senators, two Representatives, and a number of men who are specialists in the matter of the mercantile marine. As everyone knows, we are trying to develop our merchant marine and are spending a great deal of money on it. These proceedings will furnish valuable information for the country, and I hope there will be no objection.

Mr. SMOOT. There are various important conventions being held in all parts of the United States nearly every day in the year, and if we begin to print proceedings of conventions we will never hear and will never reach the end.

Mr. RANSDELL. We have printed a great many such documents. This manuscript is very brief and the document will be very valuable. As I have said, the conference was addressed by two Members of the Senate and two Members of the House, who made important contributions to the discussion.

Mr. SMOOT. There will be no objection if it is merely desired to have the addresses of the Senators or Representatives placed in the RECORD or made a public document, but if we print the proceedings of a convention of this sort we will be called on to print the proceedings of thousands of other organizations.

Mr. RANSDELL. I will say that this is a technical matter. Addresses were made by such men as Mr. Homer Ferguson, president of the Newport News Shipbuilding Co. and a trained specialist on this subject. That kind of information can not be obtained every day. He does not go to conventions ordinarily. Members of the Shipping Board also addressed the convention. They went there and discussed a technical subject and treated

it very ably. This is not an expensive matter, and it certainly would be very beneficial. It is of no benefit to me, I will say, but it will benefit the country, and so I hope the Senator will not insist on his objection.

Mr. SMOOT. It is not the amount of expense that will be entailed that causes me to object so much as it is the practice of printing proceedings of conventions which may be held in all parts of the country.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I object.

The PRESIDING OFFICER. Objection is made.

RESOLUTION PASSED OVER.

The resolution (S. Res. 444) expressing the opinion of the Senate relative to the withdrawal of United States soldiers from Russia was announced as next in order.

Mr. NELSON. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

RIGHTS OF WAY THROUGH PUBLIC LANDS.

Mr. BORAH. Mr. President, when Calendar No. 627 was called, the Senator from Wisconsin [Mr. LENROOT] objected to its consideration. I have since conferred with that Senator in regard to that bill, and I now ask unanimous consent to recur to it and to have it considered.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent to recur to Calendar No. 627, being House bill 7236. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7236) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes, approved May 11, 1898.

Mr. BORAH. I move to amend the bill on page 2, line 6, after the word "contained," by inserting the words "the Secretary of the Interior"; and, in the same line, by striking out the words "there is hereby granted" and inserting the words "is authorized to grant permits or easements not to exceed 5 acres of ground."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 6, after the word "contained," it is proposed to insert the words "the Secretary of the Interior"; on the same line, before the word "not," to strike out "there is hereby granted" and insert the word "is authorized to grant permits or easements for not to exceed 5 acres of ground," so as to make the bill read:

Be it enacted, etc., That in addition to the rights of way granted by sections 18, 19, 20, and 21 of the act of Congress entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1892 (26 Stat., p. 1095), as amended by the act of Congress entitled "An act to amend the irrigation act of March 3, 1891 (26 Stat., p. 1095, sec. 18), and to amend section 2 of the act of May 11, 1898 (30 Stat., p. 404)," approved March 4, 1917 (39 Stat., p. 1197), and, subject to the conditions and restrictions therein contained, the Secretary of the Interior is authorized to grant permits or easements for not to exceed 5 acres of ground adjoining the right of way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings for the convenience of those engaged in the care and management of the works provided for by said acts.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

J. C. GARRETT.

The bill (S. 4949) for the relief of J. C. Garrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 6, after the word "of," to strike out "Infantry" and insert "Cavalry," and on the same line, after the word "of" where it occurs the second time, to strike out "Infantry" and insert "Cavalry," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, J. C. Garrett, formerly a captain of Cavalry, a captain of Cavalry to take rank as if he had remained continuously in the service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 14945) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the

Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 21, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Axel O. Olson, late of Company A, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 16, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of William A. Martin, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 1, after the words "per month," to strike out "Provided, That no part of this pension shall be withheld or retained to reimburse the Government on account of any alleged erroneous payments in connection with any former pension allowed this soldier" and insert "the same to be paid him without deduction or rebate on account of former alleged erroneous payments of pension."

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the words "per month," to strike out "\$12" and insert "\$17," so as to make the clause read:

The name of Charles W. Sasser, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 18, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Henry Braunagel, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to strike out:

The name of Leonard J. Ripple, late of Troop L, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the words "Elizabeth Hogan," to strike out "who served as a nurse during the War with Spain with the Medical Corps" and insert "late nurse, Medical Department," and in line 9, after the word "Army," to insert "War with Spain," so as to make the clause read:

The name of Elizabeth Hogan, late nurse, Medical Department, United States Army, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to strike out:

The name of Mary D. Jenness, dependent mother of Herbert T. Jenness, late of Company B, Fifth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to strike out:

The name of Frank W. Godsey, late of Company L, Third Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 21, before the words "per month," to strike out "\$24" and insert "\$12," so as to make the clause read:

The name of Ward Houchin, late of Company B, Third Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 2, to strike out:

The name of Julius Scheuer, late of Company F, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to strike out:

The name of John J. McGinley, late of Company M, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Burton Erwin, late of Companies G and K, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 24, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of William Wilson, late of Troop B, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to strike out:

The name of Emma R. Steen, dependent mother of Dell A. Steen, late of Company D, First Regiment Missouri Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 17, to strike out:

The name of Thomas W. Trent, late of Company G, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 7, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of James P. Curtis, late of Company I, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 16, after the words "name of," to strike out "Ambrose" and insert "Ambroce," so as to make the clause read:

The name of Ambroce C. Waldsmith, late of Company L, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 18, after the words "per month," to strike out "Provided, That no part of this pension shall be withheld for the purpose of reimbursing the Government on account of any alleged erroneous payments which may have been made in connection with any former pension allowed the said Earl W. Newlon" and insert "the same to be paid him without deduction or rebate on account of former alleged erroneous payments of pension," so as to make the clause read:

The name of Earl W. Newlon, late of Company H, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month, the same to be paid him without deduction or rebate on account of former alleged erroneous payments of pension.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to strike out:

The name of John J. Burke, late of Troop D, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to strike out:

The name of John Felzen, late of Company F, Thirty-seventh Regiment, United States Infantry, Indian wars, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 20, to strike out:

The name of Jean N. Roach, widow of Ernest S. Roach, late first Lieutenant Company A, First Regiment Oklahoma Militia Infantry, National Guard, Mexican border service, and pay her a pension at the rate of \$17 per month, and \$2 per month additional on account of each of the two minor children of the said Ernest S. Roach until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 19, line 15, after the word "late," to strike out "of"; in line 16, after the word "Unassigned," to strike out "Regiment"; and, in the same line, after the word "Corps," to insert "United States Army," so as to make the clause read:

The name of Pleasy J. Graham, late Unassigned Coast Artillery Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the words "per month," to strike out "\$36" and insert "\$30," so as to make the clause read:

The name of Louis Sherard, late of Company G, Third Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to strike out:

The name of Hannah J. Clark, widow of William H. Clark, late of Troop E, Fifth Regiment United States Cavalry, Indian Wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 23, to strike out:

The name of Peter Beebe, late of Company F, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 17, after the word "Freda," to strike out "Buron" and insert "Burow," and, in line 18, after the initial "M.," to strike out "Buron" and insert "Burow," so as to make the clause read:

The name of Freda Burow, widow of William M. Burow, late of Company I, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 27, after line 11, to strike out:

The name of Baxter Hogan, late of Company F, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to strike out:

The name of Jacob Johnson, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

The name of Fred E. Savage, late of Company G, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to strike out:

The name of Herman Lazarus, late of Company G, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 29, to strike out:

The name of William Mendenhall, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 14, before the words "per month," to strike out "\$24" and insert "\$12," so as to make the clause read:

The name of Charles Desmond, late of Company B, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 29, after line 20, to strike out:

The name of Maria Kuehn, widow of Charles Kuehn, late of Company C, Fourth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the words "late of," to strike out "casualty detachment and," so as to make the clause read:

The name of William Anderson, late of Troop F, Eleventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$24 per month.

The amendment was agreed to.

The next amendment was, at the top of page 31, to strike out:

The name of William Mendenhall, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARUNDEL SAND & GRAVEL CO.

The bill (S. 4526) for the relief of the Arundel Sand & Gravel Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 2, line 5, before the word "shall," to insert

the word "as"; in the same line, after the word "against," to insert "or in favor of"; and in line 6, after the words "and in favor of" to insert "or against," so as to make the bill read:

Be it enacted, etc., That the claim of the Arundel Sand & Gravel Co., a corporation organized and existing under the laws of the State of Delaware and doing business in the city of Norfolk, Va., owner of the steam tug *A. G. Bigelow*, against the United States for damages alleged to have been caused by collision between the said tug and the U. S. S. *Susquehanna* in Norfolk Harbor on the 26th day of November, 1917, may be sued for by the said Arundel Sand & Gravel Co. in the District Court of the United States for the eastern district of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against or in favor of the United States in favor of or against the Arundel Sand & Gravel Co. upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. PENROSE. Mr. President, I do not want to take up any unnecessary time by having all of these bills read; but it is quite unsatisfactory to have the amendments to some of them read by the Secretary, without any notion of what is in the bill. In the case of this particular bill—which I have not the slightest doubt is most meritorious, coming as it does from the author—I should just like to have the bill read.

Mr. SWANSON. It is simply a bill where there was a collision between a Government boat and another one; and it is to let the court decide whether the Government or the individual is responsible, and ought to pay damages.

Mr. PENROSE. That seems reasonable. I did not want to oppose the bill. I am glad to have the Senator's explanation of it.

The PRESIDING OFFICER (Mr. King in the chair). The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROLAND S. ROBBINS.

The bill (S. 5371) for the relief of Roland S. Robbins was considered as in Committee of the Whole. It authorizes and directs the Postmaster General to cause the account of Merritt O. Chance, postmaster at Washington, D. C., to be credited with the sum of \$336, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of value of 80 war-savings stamps, belonging to the United States Government, which were stolen or otherwise disappeared from the custody of Roland S. Robbins on the 14th day of September, 1918, during the war-savings stamps drive at Keith's Theater, Mr. Robbins being held personally liable for the amount represented, although in possession of them only for the purpose of selling them to the patrons of Keith's Theater and otherwise, and himself receiving no pecuniary or other material benefit from such disposal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 5493) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation, was announced as next in order.

Mr. PENROSE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN ARKANSAS.

The bill (S. 4745) for the relief of the claimants of certain unsurveyed lands in Mississippi County, Ark., was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. WALSH. Mr. President, I ask unanimous consent that the further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Montana? The Chair hears none.

The bill is as follows:

Whereas in the Government survey made in February, 1846, and approved December 23, 1846, an area in sections 19, 20, 29, and 30, in township 11 north, range 10 east, in Mississippi County, Ark., containing 602.45 acres, was meandered as a lake, and designated as a lake on the official plat of the survey, which area is known locally as Round Lake; and

Whereas many years ago the riparian proprietors in good faith, believing themselves to be the owners of said area, drained and reclaimed the same by the construction of ditches and canals and cleared every acre of said land, and the same is now in a high state of cultivation; and

Whereas the said claimants are entitled to some equity by reason of such labor, expenses, and improvements, and the great value which they have added to the land: Now, therefore,

Be it enacted, etc., That the Government survey of township 11 north, range 10 east, Mississippi County, Ark., approved December 23, 1846, be, and the same is hereby, confirmed.

Sec. 2. That, under rules and regulations to be prescribed by the Secretary of the Interior, all persons who, at the date of the passage of this act, are in the actual possession of the area in sections 19, 20, 29, and 30 of said township and range, meandered and platted as a lake, and known locally as Round Lake, and who have cleared and are now cultivating said land, and who are the owners of the improvements thereon, shall have a preferred right at any time within one year from the passage of this act to purchase said lands from the Government at the rate of \$12.25 per acre: *Provided*, That nothing in this act shall be so construed as to grant to any person a title to any part of said land which is shown to be within the limits of land previously surveyed and disposed of by the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILL PASSED OVER.

The bill (S. 5492) granting to certain claimants a preference right to purchase certain public lands in the State of Arkansas was announced as next in order.

Mr. WALSH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

BUFFALO RIVER ZINC MINING CO.

The bill (S. 2024) for the relief of the Buffalo River Zinc Mining Co. was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to the Buffalo River Zinc Mining Co., a corporation of St. Louis, Mo., the sum of \$4,200, being the amount of money paid by the said company to the United States of America, on or about the 21st day of July, 1904, as the purchase price of certain public lands in Searcy County, Ark., the patents to which have since been canceled at the suit of the United States of America and the said lands having been restored to the public domain; provided, that the Secretary of the Interior shall first make an investigation of all the facts concerning said claim, and shall be satisfied of its justness and of the good faith of the said company and its officers, and that the acts of the agent of the company by reason of which the said patents were canceled were done wholly without the knowledge or consent of said company or any of its officers, and shall certify these facts to the Secretary of the Treasury; the expense, however, of said investigation, if any, shall be deducted from the amount found to be due said company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY P. GRANT.

The bill (S. 1486) for the relief of Henry P. Grant, of Phillips County, Ark., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with an amendment in line 5, after the words "sum of," to strike out "\$7,598.24" and to insert "\$7,574.24," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,574.24 to Henry P. Grant, formerly postmaster of Helena, Ark., said sum being the amount he voluntarily paid into the Treasury to make good the shortage of the assistant postmaster, William B. Lindsey, who was duly tried and convicted of said crime and punished by imprisonment in the penitentiary for a term of four years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF ARMY OFFICERS.

The bill (S. 5593) for the relief of certain officers in the Army of the United States, and for other purposes, was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. ROBINSON. Mr. President, I ask unanimous consent to make a brief statement touching this bill. I think it will conserve the time of the Senate.

The bill relates to a number of claims which have been audited by the War Department. It was sent to me, as the chairman of the Committee on Claims, with the request that it be presented to the Senate. It consists of a large number of claims, most of them being very small. Every year a number of

claims of this class arise; and, as may be stated by the former chairman of the Committee on Claims, the Senator from Wyoming [Mr. WARREN], it is exceedingly desirable that this bill should pass. It is quite a long bill; and I am going to ask unanimous consent to dispense with the reading of the bill, and to offer some amendments which have been sent to me by the War Department since the bill was reported by the committee. The amendments are necessary corrections in amounts, or are mere verbal amendments. I make that request for unanimous consent, and I hope Senators will agree to it.

Mr. SMOOT. Mr. President, why not allow the bill to be read, and then offer the amendments?

Mr. ROBINSON. I am asking that the reading of the bill be dispensed with. There is no practical necessity for the reading of the bill. It contains a large number of accounts. Most of them are small, and the Senate would simply consume a considerable amount of time by having the bill read. Of course, I realize that any Senator can insist upon the reading of the bill; but when we consider the nature of the claims, I am sure the Senator from Wyoming will agree with me.

Mr. WARREN. Mr. President—

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. WARREN. As I understand, they are all estimates of the department, moneys due; and the War Department has asked us to relieve the officers, whoever they are, and pay them.

Mr. ROBINSON. That is true.

Mr. WARREN. As the Senator says, they are small amounts, running sometimes from \$1 to \$15 or \$18, or something like that.

Mr. ROBINSON. Yes. There are, however, a few larger claims, amounting to more than \$1,500. There are only a few of those.

Mr. GRONNA. Mr. President—

Mr. ROBINSON. I yield to the Senator from North Dakota.

Mr. GRONNA. I rose simply for the purpose of asking for the total amount. I do not insist upon having the bill read. I would rather have the statement of the Senator from Arkansas.

Mr. ROBINSON. The total amount is about \$11,500, or a little less.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the formal reading of the bill will be dispensed with.

Mr. ROBINSON. I send to the desk a series of amendments and ask to have them stated.

Mr. SMOOT. I will ask the Senator if the amendments that he proposes are of a like character to the items that are in the bill?

Mr. ROBINSON. They are. There are two classes. Most of them are mere verbal amendments that are apparent upon reading the bill. Two of them, however, relate to the amount. They are mere typographical errors, made in the War Department before the bill was sent in.

The PRESIDING OFFICER. Without objection, the request of the Senator from Arkansas is granted. The Secretary will state the amendments.

The SECRETARY. On page 10, line 19, strike out "\$1,635.46" and insert in lieu thereof "\$1,636.46."

The amendment was agreed to.

The SECRETARY. On page 17, line 5, strike out "\$80.80" and insert in lieu thereof "\$86.80."

The amendment was agreed to.

The SECRETARY. On page 21, line 10, after the word "hundred," strike out "and" and insert "to."

The amendment was agreed to.

The SECRETARY. On page 24, lines 12 and 13, strike out the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The SECRETARY. On page 24, lines 20 and 21, strike out the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The SECRETARY. On page 11, line 15, after the words "directed to," strike out "all" and insert in lieu thereof the word "allow."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. CROSS.

The bill (S. 2497) for the relief of James W. Cross was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$660" and insert "\$92," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James W. Cross, \$92, as full compensation to said James W. Cross for personal injuries received as a result of an accident October 26, 1914, without negligence on his part, while he was engaged in the performance of his duties as a laborer at the State, War, and Navy Department Building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR ARREARS OF PAY.

The bill (S. 4139) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 12, to strike out the words "under the provisions of this act" and to insert "for pay, bounty, or other allowances," so as to make the bill read:

Be it enacted, etc., That the following provisions contained in the urgent deficiency act approved December 22, 1911, to wit: "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912;" "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914," relating to claims for arrears of pay, bounty, or other allowances growing out of the Civil War and the War with Spain, are hereby repealed.

Sec. 2. That hereafter no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim for pay, bounty, or other allowances shall, directly or indirectly, contract for, demand, or receive for such services in preparing, presenting, or prosecuting such claim a sum greater than 20 per cent of the amount allowed by the accounting officers of the Treasury Department, which sum shall be payable only on the order of the said accounting officers; and any person who shall violate any of the provisions of this section, or shall demand, collect, or receive from the claimant the whole or any part of a claim allowed such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500.

Sec. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERRY'S VICTORY MEMORIAL.

The bill (H. R. 13482) creating a commission for the maintenance, control, care, etc., of the Perry's victory memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes, was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. WALSH. I ask unanimous consent that the further reading of the recitals of the preamble be dispensed with.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Montana? The Chair hears none, and the recitals will be omitted.

The Secretary read the portion of the bill following the preamble. The bill is as follows:

Whereas there has been erected by the Perry's Victory Centennial Commission, composed of members appointed pursuant to law, a great memorial monument on Put in Bay Island, Lake Erie, Ohio, at a cost of approximately \$1,000,000, perpetually memorializing the victory of Commodore Oliver Hazard Perry in the Battle of Lake Erie, and Gen. William Henry Harrison's northwestern campaign in the War of 1812, and commemorating the century of peace which has ensued between Great Britain and the United States since the termination of that conflict by the signing of the treaty of Ghent; and

Whereas the Federal Government and the States of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Kentucky, and Massachusetts have severally contributed to the payment of such cost; and

Whereas the legal title to the land constituting the site whereon said memorial has been erected is vested in the United States solely, in perpetual trust, for the use, occupancy, and enjoyment of said memorial and other memorial public uses and purposes not inconsistent with said memorial; and

Whereas said memorial is now self-sustaining and will so continue as to the maintenance thereof, if due provision is made for its care and protection: Therefore

Be it enacted, etc., That a Perry's Victory Memorial Commission is hereby created, consisting of Nelson A. Miles, Charles H. Davis, and J. Warren Keifer, commissioners of the United States; George H. Worthington, Webster P. Huntington, S. M. Johansson, Eli Winkler, and Horace Holbrook, commissioners from the State of Ohio; A. E. Sisson, Milton W. Shreve, Edwin H. Vane, T. C. Jones, and George W. Neff, commissioners from the State of Pennsylvania; Arthur P. Loomis, John C. Lodge, Roy S. Barnhart, and E. K. Warren, commissioners from the State of Michigan; William H. Thompson, Chesley R. Perry, James Pugh, Richard S. Folsom, Nelson W. Lampert, Adam Weckler, William Porter Adams, Willis J. Wells, W. H. McIntosh, and H. S. Beckmeyer, commissioners from the State of Illinois; Frederick M. Symonds, John M. Whitehead, A. W. Sanborn, C. R. Perry, S. W. Randolph, Louis Bohmrich, and Sol P. Huntington, commissioners from the State of

Wisconsin; William J. Connors, George D. Emerson, John F. Malone, Edward D. Jackson, Simon L. Adler, Martin H. Glynn, William F. Rafferty, William L. Ormrod, Charles H. Wiltse, and Jacob Shiffer-decker, commissioners from the State of New York; John P. Sanborn, Louis N. Arnold, Sumner Mowry, Henry Davis, and Harry Cutler, commissioners from the State of Rhode Island; and Henry Watterson, Andrew Cowan, Samuel M. Wilson, R. W. Nelson, and Mackenzie R. Todd, commissioners from the State of Kentucky, who shall serve without compensation save necessary expenses.

As vacancies occur in the commission on the part of the several States, they shall remain unfilled until only three commissioners from each State remain; thereafter the commissioners from each State shall be three.

When a vacancy shall occur in the commission on the part of the United States it shall be filled by the President of the United States, and when such vacancy shall occur on the part of any State, the same shall be filled by the President of the United States on the recommendation of the governor of such State.

SEC. 2. That said commission, upon the said memorial and the site thereof being turned over to it, shall forthwith have full possession and control thereof with power to maintain, improve, protect, and preserve the same from injury thereto so far as its revenues will permit, and with power to appoint all necessary officers, agents, and employees, and to fix their compensation; also to have such other powers as may be necessary to accomplish the purposes and objects and to fulfill the duties of the commission. It shall not contract any debt or obligation payable otherwise than from the net revenues derived from its operation and management of said site and memorial, or that may be derived by it from other sources.

SEC. 3. That the title to said memorial and site hitherto conveyed to the United States by the State of Ohio is hereby accepted by the United States for the uses, purposes, and trusts therein and by this act provided.

SEC. 4. That the said commission is authorized and empowered to receive donations and bequests, to improve said site, and to erect thereon, when sufficient funds are available for such purposes, other structures of a general public character, but the same shall harmonize with the memorial, and such structures when erected shall become subject wholly to said commission, and the title to the same shall vest as does the title to said site and memorial and be subject to the same uses, possession, trust, control, and management.

SEC. 5. That said commission, through its president and treasurer, shall make, in writing, a report to the Secretary of the Interior of the United States on the first Monday in December of each year, in which shall be stated the condition of the said site and memorial as to preservation, and all receipts and disbursements of money pertaining thereto.

SEC. 6. That the officers of the commission shall be a president, vice president, secretary and treasurer, and such other officers, agents, and employees as it may deem necessary.

The commission shall have power to adopt rules and by-laws for its government and to provide the methods of voting and the number of votes each State having more than three commissioners shall cast at its meeting.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The preamble will stand unless there is objection.

Mr. POMERENE. Mr. President, I have before me a short report on this bill, prepared by Judge SLAYDEN, of the House Committee on the Library. I ask that it may be incorporated in the Record for the information of the Senate.

The PRESIDING OFFICER. Without objection, the request of the Senator from Ohio is granted.

The report is as follows:

Mr. SLAYDEN, from the Committee on the Library, submitted the following report (to accompany H. R. 13482):

The Committee on the Library, having considered H. R. 13482, "A bill creating a commission for the maintenance, control, care, etc., of the Perry's victory memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes," respectfully refer the bill back to the House of Representatives with the recommendation that it do pass.

A former Speaker, Gen. J. Warren Keifer, accompanied by Messrs. W. P. Huntington, of Ohio; A. E. Sisson, of Pennsylvania; and Simon L. Adler, of New York, appeared before the committee to explain the purposes of the bill.

From the statements of Gen. Keifer and the three gentlemen who were with him the following summary of facts is made and submitted for consideration by the House:

The monument is not only a tribute to the Perry victory but a memorial of the century-old peace between Great Britain and the United States and the treaty by which all armed forces were removed from the Great Lakes. On this point Gen. Keifer said:

"That treaty stipulated that there should be no war vessels beyond 100 tons of either nation, Great Britain or the United States, on any of the Lakes, any of these Great Lakes in the North. Well, it had to be modified as to the weight of the vessels that were there for police purposes after we had steam, and so on. It has always been kept up to the present time, and while we have spent billions of money in trying to fortify the Atlantic coast and the Gulf and Pacific, and have never been sure we have succeeded, we have never spent one dollar to fortify anything on the Lakes. We haven't a city like Chicago or Buffalo, if you please, or Cleveland, or others that could have been built where they are if we had to treat ourselves and our country in relation to Great Britain as we have with the other coasts and regions. So this has been the most important treaty, and it is literally kept. It prohibits Great Britain from having war vessels there and the United States, and the two prohibit the other nations of the world from ever having one there."

In March, 1911, Congress appropriated \$250,000 to help build the monument. Contributions were made by nine of the States, to wit: New York, Pennsylvania, Rhode Island, Michigan, Kentucky, Illinois, Wisconsin, Massachusetts, and Ohio. These contributions were made on the condition that title to the memorial and site be passed to the United States. All papers touching the conveyance to the United States are in proper legal form, and this bill is merely intended to have the Federal Government accept the memorial and the site and name the first commissioners. Legally the title, to quote Gen. Keifer, "is in the United States now."

Provision is made in the bill for a commission to have charge of the memorial. Three of the permanent commissioners are to be appointed by the President. These are named in the bill and are Gen. Nelson A. Miles, Charles H. Davis, and J. Warren Keifer.

The bill provides a large number of commissioners that, with the passing of those named in the bill itself, will be reduced to three from the United States and three from each of the nine contributing States.

It is the wish of the gentlemen who have been connected with the project from the beginning that the States should be associated with the United States in the control of the memorial, and as the States have paid approximately three-fourths of the cost, the committee believed their request reasonable.

The monument is of granite, 350 feet high, equipped with an elevator, and has room in the visitors' gallery at the top for 200 people. This is a source of revenue that has provided an ample income for the maintenance of the memorial with a considerable margin of gain. Receipts exceeded expenses by \$4,329 in 1915, by \$4,126 in 1916, by \$3,760 in 1917, and by \$3,968 in 1918. So the monument is expected to be self-supporting.

The commissioners named in the bill were appointed by the President and by the governors of the contributing States.

The commissioners are to receive no compensation beyond actual expenses in attending meetings, and the committee was assured that all expenses would be paid out of the earnings of the monument itself.

The PRESIDING OFFICER. The Chair suggests to the Senator from Ohio that this is a House bill, and perhaps the preamble should be omitted.

Mr. POMERENE. That will necessitate the bill being sent back to the House, and I prefer that that be not done at this stage of the session.

Mr. PENROSE. The Senator withdraws his amendment, does he?

Mr. POMERENE. I did not offer any amendment.

Mr. PENROSE. I thought some one asked to have the preamble stricken out.

Mr. POMERENE. The suggestion came from the Chair, and I ask that that be not insisted upon.

Mr. PENROSE. Oh, yes. I am glad the Senator has done so, so that the bill will not have to go back to the House.

Mr. POMERENE. Yes; that was my idea.

AMENDMENT OF THE RULES.

The resolution (S. Res. 339) to amend Rule XXV of the Standing Rules of the Senate by adding thereto a paragraph restricting or regulating membership of certain committees of the Senate was announced as next in order.

Mr. OVERMAN. I object, at the request of another Senator, who has asked me to object to the consideration of this resolution.

Mr. NORRIS. Mr. President, I was just going to say that the Senator from North Carolina was present when this resolution was reported, and it was a unanimous report.

Mr. OVERMAN. I was; that is correct. I am in favor of the resolution myself, but another Senator has requested me to object.

Mr. CUMMINS. Mr. President, may I say, with unanimous consent, just this word, that it is very necessary that this rule be voted upon before the close of the present session, and I shall do what I can to see that it is voted on before we adjourn.

Mr. OVERMAN. As chairman of the committee, I shall not stand in the way. I supported it.

Mr. CUMMINS. I know that the Senator from North Carolina is in favor of it. I think most of the Senators are in favor of it. There will be no debate. All that I ask is that we may have a vote.

OTIS C. MOONEY.

The bill (S. 3964) for the relief of Otis C. Mooney was announced as next in order.

Mr. GRONNA. Let that go over.

Mr. WARREN. Mr. President, I hope that bill may pass. It has already passed the Senate once. It relates to a very old man, who wishes to have his record corrected.

Mr. GRONNA. Mr. President, will the Senator from Wyoming give an explanation of the bill?

Mr. WARREN. It relates to a soldier who entered the Army during the Civil War and served two years and was honorably discharged. He enlisted again and served nearly two years. He was only a child when he enlisted. His father took him up into Canada, on the plea of giving him a visit, and kept him there until after the time had expired for his return, and he was recorded as a deserter. This is to change his record. It simply gives him a clean record in the last days of his life and the opportunity to draw a pension from now until his death.

Mr. GRONNA. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Otis C. Mooney shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a

private of Company K, Eighth Regiment Vermont Volunteer Infantry, May 18, 1864, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN ARKANSAS.

Mr. ROBINSON. I ask unanimous consent to recur to Order of Business 655, Senate bill 5493. Some objection was made to the consideration of that bill when it was reached on the calendar, and I am informed by the Senator since, when I explained the matter to him, that the objection will not be renewed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5493) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

The Secretary read the bill, as follows:

Be it enacted, etc., That all of those unentered, unreserved public lands, and all of those entered lands for which no final certificates have been issued, within the areas hereinafter described, are hereby made and declared to be subject to the laws of the State of Arkansas relating to the organization, government, and regulation of drainage districts to the same extent and in the same manner, except as herein-after provided, in which lands held under private ownership are or may be subject to said laws: *Provided,* That the United States and all persons legally holding unpatented lands under entries made under the public land laws of the United States shall be accorded all the rights, privileges, and benefits given by said laws to persons holding lands in private ownership, said lands being those public lands in Mississippi County, Ark., in townships 14, 15, and 16 north, range 9 east, and townships 15 and 16 north, range 10 east, fifth principal meridian, according to the official surveys thereof approved October 12, 1915, and all of those unentered public lands, and all of those entered lands for which no final certificates have been issued to Poinsett County, Ark., in townships 11 and 12 north, range 6 east, fifth principal meridian, according to the official surveys thereof approved July 30, 1913.

SEC. 2. That the construction and maintenance of canals, ditches, levees, and other drainage works upon and across the lands subject to the operation of this act are hereby authorized subject to the same conditions as are imposed by the laws of the State of Arkansas upon lands held in private ownership, and that the cost of construction and maintenance of canals, ditches, levees, and other drainage works, incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all unentered public lands, and all lands embraced in unpatented entries affected by such project. Officially certified lists showing the amount of charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the United States land office of the district in which the lands affected are situated as soon as said charges would become a lien if the lands were held in private ownership.

SEC. 3. That all charges legally assessed pursuant to the drainage laws of the State of Arkansas by a drainage district against any unentered public lands, or against any lands embraced in unpatented entries, subject to the provisions of this act, shall be a lien upon said lands which may be enforced by sale in the same manner and subject to the same conditions, except as hereinafter set forth, under which said charges shall be enforced against lands held in private ownership, and whenever any of said lands shall be sold for nonpayment of such charges, inclusive of lands bid in for a drainage district, a statement showing the name of the purchaser, the price at which each legal subdivision was sold, the amount assessed against it, together with penalties and interest, if any, and the cost of the sale, and the amount of excess, if any, over and above all lawful assessment charges and the cost of sale shall be officially certified to the register and receiver of the United States land office of the district in which the lands are situated immediately after the completion of such sale, but nothing in this act shall be construed as creating any obligation on the United States to pay any of said charges.

SEC. 4. That all moneys received from the sale of entered or unentered lands subject to the operation of this act, which shall be in excess of assessments due thereon, together with penalties and interest and the cost of the sales, shall be paid by the proper county officer to the receiver of the United States land office of the district in which the lands are situated, and such excess moneys shall be covered into the United States Treasury as proceeds from the sales of public lands.

SEC. 5. That at any time within 90 days after the sale of unentered public lands and at any time within 90 days after the expiration of the period of redemption provided for in the drainage laws under which the lands are sold, no redemption having been made, after the sale of lands embraced within unpatented entries, the purchaser at such sale, a drainage district being herein expressly excepted from the operation of this provision, shall, upon the filing of an application therefor and an affidavit containing proof of necessary qualifications, with the register and receiver of the United States land office, and upon payment to the receiver of the price of \$5 per acre, together with the usual fees and commissions charged in entry of lands under the homestead laws, be entitled to receive a patent: *Provided,* That such purchaser shall have the qualifications required in making entry of lands under the homestead laws and any such purchase shall exhaust any further homestead right of the purchaser to the extent of the amount of lands thus purchased by him. Not more than 160 acres of such lands shall be sold and patented to any one purchaser under the provisions of this act. This limitation shall not apply to lands subject to the operation of this act which may be bid in for a drainage district, but no patent shall be issued to a drainage district or to anyone bidding in said lands for a drainage district. The proceeds derived by the Government shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 6. That unless the purchaser shall, within the time specified in section 5 of this act, file with the register and receiver of the United States land office an application for a patent, together with

the required affidavit, and make payment of the purchase price, fees, and commissions as provided in said section 5, any person having the qualifications of an entryman under the homestead laws may file an application for a patent, together with the required affidavit, and upon payment to the receiver of the purchase price of \$5 per acre, fees, and commissions, and in addition thereto an amount equal to the drainage charges, penalties, interest, and costs for which the lands were sold, and if the lands were bid in for the drainage district, an additional amount equal to 6 per cent per annum on the sum for which the lands were sold from the date of such sale, said applicant shall become subrogated to the rights of such purchaser and shall be entitled to receive a patent for not more than 160 acres of said lands. When payment is made to effect subrogation as herein provided, the register and receiver of the United States land office shall serve notice upon the purchaser that an application for patent for the lands purchased by him has been filed, and that the amount of the drainage charges, penalties, interests, and costs of the sale will be paid to him upon submission of proof of purchase and payment by him of said sums. The receiver shall make such payment as soon as said requirement shall have been fulfilled. If the lands were bid in for a drainage district, the receiver will pay to the proper county officers the amount of the drainage charges, penalties, and interests and costs of sale, together with the additional sum of 6 per cent per annum, to which said drainage district is entitled. All remaining moneys to which the United States may be entitled shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 7. That a copy of all notices required by the drainage laws of the State of Arkansas to be given to the owners and occupants of lands held in private ownership shall, as soon as such notice is issued, be delivered to the register and receiver of the United States land office of the district in which the lands are situated where any of the lands subject to the operation of this act are affected, and the United States and the entryman claiming under the public land laws of the United States shall be accorded the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of land held in private ownership.

SEC. 8. That this act shall not be effective as to any lands involved in suits instituted on behalf of the United States with a view to quieting title in the Government to such lands until and unless such suits shall be finally determined in favor of the United States.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON. I yield to the Senator.

Mr. LENROOT. I should like to ask the Senator whether this bill applies what is known as the Volstead Act to the State of Arkansas?

Mr. ROBINSON. It is not a literal copy of the Volstead Act. It does apply something of the same principle. In the area affected by this bill, known as the subland district, largely, are vast tracts of uncultivated and unreclaimed lands. The title to the greater portion of these lands is in the Government. It is impossible for private citizens within the area to reclaim their land without reclaiming the Government land.

The burdens on the private lands, if the whole burden were imposed upon them, would be prohibitive. The provisions of the bill contemplate that assessments for benefits shall be made against all the lands in the district reclaimed, and the settlers upon the land shall pay their proportionate share for the reclamation of the land. Unless some such measure as this is passed, it will be impossible to reclaim these areas which, when reclaimed, are of very great value indeed.

Mr. LENROOT. That is exactly the situation that resulted from the passage of the Volstead Act. I am quite familiar with conditions in the Senator's State, and what I am especially interested in is how this bill differs from the Volstead Act.

Mr. ROBINSON. I was serving in the House of Representatives when the Volstead Act was passed, but I can not state from memory the difference. I do not know that there is any substantial difference.

Mr. LENROOT. Can the Senator state that the interests of the Government are as fully protected in this bill as they are in the Volstead Act?

Mr. ROBINSON. I am sure they are.

Mr. WALSH. Mr. President, this is rather a lengthy bill and must have had consideration by the Committee on Public Lands, and the committee apparently made no amendment to it. I therefore ask that the further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. EDDY.

Mr. NEW. When the bill (S. 4864) to carry into effect the finding of the Court of Claims in the case of Elizabeth B. Eddy was reached it was passed over temporarily because of the absence from the floor of the Senator from New York [Mr. WADSWORTH], by whom it was introduced, and the Senator from Indiana, myself, by whom it was reported. I ask unanimous consent that the bill be taken up.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of \$802.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

Mr. NEW. If an explanation of the bill is desired I will say that Elizabeth B. Eddy is the widow of Charles G. Eddy, who was a soldier in the Civil War and who ranked as a sergeant. He was detailed as a telegraph operator and that position carried with it pay at the rate of \$70 a month—

Mr. FLETCHER. There seems to be no opposition to the bill and I think it will pass without any explanation.

Mr. NEW. Very well; I ask that it be put on its passage. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. FREDERICK B. SHAW.

Mr. NEW. The same state of facts exists with reference to the bill (S. 4263) for the relief of Capt. Frederick B. Shaw, and I ask unanimous consent that it be now taken up.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Frederick B. Shaw, United States Army, the sum of \$356.50, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for all losses of personal property incurred by him by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, P. R., on or about May 16, 1899: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PIKE NATIONAL FOREST RESERVATION.

The bill (S. 4729) to exclude certain lands from the Pike National Forest Reservation was announced as next in order.

Mr. LENROOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 15706) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 24, before the words "per month," to strike out "\$24" and insert "\$17," so as to make the clause read:

The name of Noah Collins, late of Company I, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 3, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Michael S. Kane, late of Battery A, First Battalion Maine Volunteer Heavy Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 3, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of John H. Caldwell, late of Company K, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Sylvester P. Martin, late of Company K, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 17, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Howard L. Burnett, late of Troop L, Fourth United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 20, before the words "per month," to strike out "\$24" and insert "\$12," so as to make the clause read:

The name of Rufus Adamson, late of Troop M, Sixth United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Charles H. Jessee, late of Company A, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the word "Infantry," to strike out "Volunteer," and in line 14, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Arthur D. Warden, late of Company M, Nineteenth Regiment United States Infantry, and Quartermaster Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 25, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Silas Clyde Whitcomb, late of Company I, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 12, after the word "Corps," to insert "United States Army," so as to make the clause read:

The name of Clark P. Hoskins, late of the Hospital Corps, United States Army, and Fifth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 9, to strike out: The name of Harold A. Salisbury, late of Captain John L. Sperry's company, Umatilla Guards, Oregon State Militia, Bannock Indian War, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "Eli," to strike out "Gusdonowicz, alias Eli Guedonowicz," and insert "Gvosdanowich," so as to make the clause read:

The name of Eli Gvosdanowich, late of Company L, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the word "Robert," to strike out "Heukel" and insert "Henkel," so as to make the clause read:

The name of Robert Henkel, late of Company E, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 9, before the word "Artillery," to strike out "Light," so as to make the clause read:

The name of Jonathan F. Titus, jr., late of Battery F, Fifth United States Artillery, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to strike out:

The name of George Casseboom, late of Company A, First Regiment California Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to strike out:

The name of Eleanor Sharpe, widow of Andrew Sharpe, late of Company E, Ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to strike out:

The name of Michael Levi, late of Troop A, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out:

The name of Charles Michener, late of Battery F, First Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to strike out:

The name of George Polletti, late of Troop D, Seventh Regiment United States Cavalry, Regular Establishment, Indian wars, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to strike out:

The name of Eliza L. Ellis, helpless and dependent daughter of William West, late of Captain M. Huntington's company, North Carolina Militia, War of 1812, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 20, before the words "per month," to strike out "\$17" and insert "\$12," so as to make the clause read:

The name of Fred E. Kies, late of Company G, Third Regiment Connecticut Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. WALSH. I send to the desk and ask to have published in the RECORD a statement showing the number of beneficiaries of pension bills and the yearly cost.

The PRESIDING OFFICER. Without objection, the request will be granted.

The statement referred to is as follows:

If the following pension bills become laws, the yearly cost to the Government will be as follows:

| | Yearly cost. | Number of beneficiaries. |
|--------------------------------------|--------------|--------------------------|
| S. 5554..... | \$22,400 | 114 |
| S. 5553..... | 19,800 | 66 |
| H. R. 14894: | | |
| As passed by House..... | \$40,000 | |
| As reported by Senate committee..... | 20,000 | 160 |
| H. R. 14945: | | |
| As passed by House..... | \$32,800 | |
| As reported by Senate committee..... | 28,800 | 131 |
| H. R. 15706: | | |
| As passed by House..... | \$16,000 | |
| As reported by Senate committee..... | 15,300 | 91 |
| | 107,300 | 562 |

LANDS IN SOUTH DAKOTA.

The bill (H. R. 12082) authorizing the sale of certain lands in South Dakota for cemetery purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN MISSISSIPPI COUNTY, ARK.

The bill (S. 5566) for the relief of the claimants of certain unsurveyed lands in Mississippi County, Ark., was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS OF FEDERAL FARM-LOAN ACT.

The bill (S. 5512) to amend the Federal farm-loan act, approved July 17, 1916, was announced as next in order.

Mr. SMOOT. That may as well go over.

Mr. HITCHCOCK. Will the Senator withhold his objection until I can make a little explanation of what the amendments are?

Mr. SMOOT. I will withhold the objection.

Mr. HITCHCOCK. The first paragraph simply provides for the appointment of a deputy register, who is really necessary in order to act when the register is away.

The second paragraph is simply for administration purposes and to facilitate the administration of the farm-loan act, and is strongly recommended by the board. Then there is a very small change in the legislative provision.

Mr. SMOOT. Can the Senator state what the change is?

Mr. HITCHCOCK. It relates to the applications for loans, for membership in the farm-loan association. It is found at the bottom of page 2 and the top of page 3 of the bill. It is an unimportant matter except that it facilitates the business.

Section 10 relates to the acts of the farm-loan committee and facilitates the investigation of titles and provides for written reports to be filed for the benefit of the farm-loan board.

Section 4 has no change in it from the existing law except that in partial payments from time to time, instead of having, as the law is now, specific payments of \$25 at a time, the amounts are made optional.

Section 20 does not differ in any respect except that it provides that bonds may be issued in denominations of \$25 and \$50 instead of \$20 and \$40.

Section 6 simply provides for a change in the signing of the officers of the bank of bonds issued, so that the vice president or the secretary and treasurer may do so instead of putting the whole burden upon the president.

Section 7 contains a provision authorizing the Federal farm-loan bank to limit its search of titles to the period of the statute of limitations, and to make an extra charge where it is necessary to do so, the extra charge to go into a sinking fund to repair any possible loss. They are all merely administrative changes for strengthening the administration of the law.

Mr. SMOOT. There are eight pages of the bill, and it seems to me it proposes to amend about every section of the law.

Mr. HITCHCOCK. Most of the provisions are really a reenactment of the existing law, with the changes I am now suggesting.

Mr. SMOOT. I see there is no report on the measure. It is simply a mere statement that the committee recommends the passage of the bill.

Mr. HITCHCOCK. It was the unanimous action of the committee, and the bill was reintroduced, so as to avoid the insertion of the amendments.

Mr. GRONNA. May I say to the Senator that the Senator from Nebraska [Mr. NORRIS] thought it would be well and insisted that the sections should be reenacted, and for that reason the bill is really much longer than there was any necessity to make it.

Mr. SMOOT. I do not object to the passage of the bill; I merely wish time to examine it.

Mr. GRONNA. They are simply minor changes, as the Senator from Nebraska [Mr. HITCHCOCK] stated. I believe the bill should pass. It is a very important measure, and the committee has made a unanimous recommendation for its passage.

Mr. SMOOT. Of course, there is no report before us, and no hearings at all, and no opportunity to examine into it to see just what the changes are which are presented. I think it is pretty dangerous to allow a bill of this character to pass when we can not discuss it at all.

Mr. HITCHCOCK. I will say to the Senator there is one important change to which I am just now coming, but I have not omitted anything that was of importance. The only important change provides for a revolving fund of \$50,000,000 in the Treasury, to be used by the Secretary of the Treasury in advancing money temporarily to the banks to purchase bonds when necessary. This revolving fund is secured by selling bonds of the farm-loan bank already in the Treasury, and the bill limits the amount hereafter which the Treasury can advance to \$50,000,000, the present limit being \$100,000,000. So, in a way, it is a move in the direction of conservatism and merely places the Secretary of the Treasury in a position, after selling the present bonds and putting the money into the Treasury, where he can use that fund, when necessary, temporarily, to tide them over during the sale of bonds.

Mr. SMOOT. I see the bill provides that the bonds shall bear interest at the rate of 5 per cent.

Mr. HITCHCOCK. The law is not changed in that respect.

Mr. SMOOT. I know it is not changed, but does not the Senator think it ought to be changed?

Mr. HITCHCOCK. The law is that way anyway, and this bill would not affect that feature of it.

Mr. SMOOT. But does not the Senator believe that this ought to be changed? For instance, we issued our first liberty bonds at 3½ per cent, and they are selling now for 98 and a fraction, whereas the 4½ per cent bond is down to 94.

Mr. HITCHCOCK. That is very true.

Mr. SMOOT. Just as soon as the Federal farm loan has a sale of bonds, if they are made free from tax, and they are offered in New York to some of those central banking officers, of course the 5 per cent nontaxable bond will be immediately grabbed up and will not go into the hands of people generally throughout the country, but will be taken by people in quantities as large as they can get for the purpose of avoiding the payment of taxes on those particular bonds.

Mr. HITCHCOCK. I think there is very much in what the Senator says, and I am inclined to think I would be disposed to favor it if it were proposed to change the law in that respect. The bill does not touch that, however, and, as a matter of fact, when we do issue bonds for the Federal farm-loan bank the quantity issued is so small compared to the great issues of the Government for its loans as to be almost negligible.

Mr. SMOOT. But they run into the hundreds of millions of dollars.

Mr. HITCHCOCK. Oh, no; nothing like that at the present time.

Mr. SMOOT. I will say to the Senator that we have already authorized a hundred million dollars for 1918 and a hundred million dollars for 1919.

Mr. HITCHCOCK. We authorized the Treasury to purchase; but, as a matter of fact, they have not been required to purchase as much as \$100,000,000; and if this bill is passed the quantity that the Treasury will hold will be reduced by the sale of \$50,000,000 of bonds.

Mr. SMOOT. Yes; but the bonds will be marketed and will be owned by somebody else. I had just as lief have the Treasury Department hold them rather than to sell them and pay 5 per cent interest and then have them nontaxable.

Mr. HITCHCOCK. As a matter of fact, the sale of these bonds is largely under the control of the Secretary of the Treasury. The Federal Farm Loan Board takes his recommendation and suggestion—or dictation, if you please—so that their sales are so made as not to conflict with the sale of the bonds of the National Government.

Mr. SMOOT. They never will conflict. If they put out a 5 per cent bond which is virtually guaranteed by the Government of the United States, morally and in every other way, when it comes to the question of competition with the 3½ per cent bond the Senator knows there will be no competition but that everybody will take the 5 per cent bond.

Mr. HITCHCOCK. Yes; if the quantity be large.

Mr. FLETCHER. Let me state that after the total issue of 5 per cent bonds to the amount of \$155,000,000 the issues were discontinued at that rate. That issue has been discontinued by direction of the Secretary of the Treasury. Most of the bonds have been 4½ per cent bonds. When they were sold at 4½ per cent the farmers got their money at 5 per cent, and when the 5 per cent bonds were sold the farmers got their money at 5½ per cent. There is to be no other issue of bonds at 5 per cent at this time.

Mr. SMOOT. Mr. President, I am aware of what the Senator from Florida has just stated, because one of the members of the board asked me what I thought about selling any more than \$55,000,000 of these bonds at 5 per cent. I told him it could not be justified for the Government to issue 3½ per cent bonds and at the same time sell a 5 per cent bond. Then the sale was immediately discontinued. I think they did sell some at 4½ per cent, following that action.

Mr. FLETCHER. They are not selling any bonds now at 5 per cent.

Mr. WEEKS. Mr. President, I want to ask the Senator from Nebraska how much of the appropriation which was made of \$100,000,000 for 1918 and \$100,000,000 for 1919 has been actually invested in bonds?

Mr. HITCHCOCK. My recollection is it has been \$67,000,000.

Mr. WEEKS. That is the total amount which has been invested out of both funds?

Mr. HITCHCOCK. I think so; that is my recollection. This bill would provide for the sale of \$50,000,000 of those bonds and the payment of the money into the Treasury to be used from time to time, if necessary, to assist the banks in marketing bonds at certain seasons. They make their loans at certain seasons, but the marketing of bonds may extend through the whole year. So there may be a month or two or three at a time when the assistance of the Treasury would be helpful.

Mr. WEEKS. Sixty-seven million dollars of bonds are about the amount which had been promised by the bankers on loans when the directors of the banks came to Congress for assistance last year, and I presume that that is the amount actually invested; but I can not see any propriety in the public policy of furnishing a fund of \$50,000,000 to loan in this way, bringing the loans directly into competition with the Government financing, and a competition which the Government can not meet at the rates of interest which Government bonds bear. It really is enabling some citizens of this country to obtain their loans at a lower rate than they can obtain them in other ways. While there may be some justification for that in ordinary times—which I personally deny—I do not see how there can be any justification in such times as these. I think that no money should be loaned under the provisions of this law for which the bonds should not be directly sold and that the Government should not be involved in furnishing money to carry out this law in a way that was not intended when the bill originally passed Congress.

Mr. HITCHCOCK. Mr. President, the Senator from Massachusetts will recall that it was the Secretary of the Treasury who put a stop to the public sale of these bonds. If the Secretary of the Treasury will merely keep his restraint off, the

farm-loan banks will have no difficulty in selling their bonds under the law as it exists. It is only because the Treasury objects to having the sale urged at certain times and has taken the bonds into the Treasury rather than have them thrown on the market that the Treasury has absorbed these bonds.

Mr. WEEKS. Of course, the farm-loan banks will have no difficulty in selling a 5 per cent nontaxable bond under the conditions which prevail to-day. There is no reason why a man should invest in a 3½ per cent Government bond when he can get a 5 per cent bond that is practically guaranteed by the Government. I contend that these loans should not enter into competition with Government financing in any respect. We are going to have difficulty enough in floating the issue of bonds which is about to be made; and until we have financed the war there should not be any Government money involved in financing farm loans for private individuals.

Mr. HITCHCOCK. This bill, the Senator will appreciate, actually reduces the quantity that the Treasury will hold.

Mr. WEEKS. I think it does, but it will provide for \$50,000,000 of bonds to be used for that purpose.

Mr. HITCHCOCK. But if there is an objection to the Treasury holding them, this bill ameliorates that objection and to some extent avoids it.

Mr. WEEKS. It does modify it; but what is John Jones, the man whom we approach and ask to buy Government bonds as a patriotic measure, going to say when he knows that the money is going to be loaned to his neighbor, who happens to be a farmer, because his neighbor can get the money at a lower rate of interest from the Government than he can get it in any other way?

Mr. HITCHCOCK. The Senator is talking about the present law and not this bill.

Mr. WEEKS. I am talking about providing any fund to be used for that purpose.

Mr. HITCHCOCK. But this bill reduces the fund.

Mr. WEEKS. I would eliminate the fund; that is what I would do.

Mr. FLETCHER. The Senator surely would do one thing or the other; he would let the Government keep hands off and let the bonds sell on their merit, or if the Government interferes with the sale of bonds, then the Government ought to take the bonds.

Mr. WEEKS. No; I would not follow that course at all. I do not think these loans ought to interfere in the slightest degree with the Government financing the war, and I think that they ought to be eliminated for the time being from any competition with the placing of the next Government loan.

Mr. HITCHCOCK. Of course, that has nothing to do with this measure.

Mr. WEEKS. It has to do with the \$50,000,000 provided for in section 8.

Mr. HITCHCOCK. This reduces that from \$67,000,000 to \$50,000,000; so the Senator admits that this bill helps some.

Mr. WEEKS. It does; but I want to help more.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920, was announced as next in order.

Mr. ASHURST. Mr. President, I apprehend, of course, that it would be a waste of time to attempt to consider that bill at this moment. I am sure it could not now make any headway.

Mr. SMOOT. I think the Senator is right, and I, therefore, ask that the bill go over, because it would be merely a waste of time now to proceed to its consideration.

Mr. ASHURST. The Senate knows how earnestly I desire the bill passed, but I do not think it would make any progress if taken up now.

Mr. SMOOT. I object.

Mr. MYERS. I had hoped there would be no objection to the bill. I think it can be passed in an hour.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5557) to safeguard temporarily, by a license control of imports of potash, the interests of domestic potash producers until trade conditions are readjusted, was announced as next in order.

Mr. WALSH. I ask that that bill go over.
The VICE PRESIDENT. The bill will go over.

Mr. NORRIS. May I inquire—

Mr. HITCHCOCK. Was objection made to the consideration of Senate bill 5557?

Mr. NORRIS. May I inquire what Senator objected to the consideration of that bill?

Mr. WALSH. I made objection to the consideration of the bill. I think it involves too serious a question to be determined offhand upon the call of the calendar.

Mr. KING. I think so, too.

Mr. NORRIS. Will not the Senator from Montana withdraw his objection and let the bill be briefly explained?

Mr. WALSH. I shall be very glad to do that, but in view of the statement concerning the nature of the bill which I made I shall object to its consideration under the five-minute rule.

Mr. NORRIS. If the Senator is going to object anyway, of course there is no use taking up the time of the Senate to make an explanation.

The bill (H. R. 15018) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

EXHIBITION OF RED FLAG.

The bill (S. 5207) to declare unlawful the exhibition of a red flag, and to fix a penalty therefor, was announced as next in order.

Mr. WALSH. I ask that that bill be passed over. I desire to say that if the bill had had the consideration of the Senate it was my purpose to tender an amendment which I think would have removed any objection to it. I would tender an amendment to strike out the words "general cessation of industries" wherever those words occur in the bill. Then I propose to submit a further amendment which I ask to have read from the desk.

Mr. FRANCE. I object.

The VICE PRESIDENT. Does the Senator object to the reading of the amendment?

Mr. FRANCE. I object to the consideration of the bill.

Mr. WALSH. I ask that the amendment be read.

The VICE PRESIDENT. The Secretary will read.

Mr. NORRIS. Mr. President, a parliamentary inquiry. The bill having been objected to, is it not improper to take up amendments to it?

The VICE PRESIDENT. If there is objection; yes.

Mr. NORRIS. I object.

Mr. FRANCE. Objection was made by me.

Mr. WALSH. I asked unanimous consent to present an amendment to the bill.

Mr. FRANCE. I object to the consideration of the bill and amendments.

Mr. WALSH. I am not asking for the consideration of any amendment or of any bill. I simply want to have the amendment read.

Mr. NORRIS. I did not understand the Senator.

Mr. WALSH. I ask unanimous consent to present the amendment and let it lie on the table and be printed.

Mr. FRANCE. I call for the regular order.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

Mr. WALSH. I did not understand there was any objection to the request made by me.

The VICE PRESIDENT. There seems to be objection to doing anything under the unanimous-consent agreement. The only thing the Chair can do is order the amendment of the Senator from Montana to be printed and lie on the table.

Mr. WALSH. That is all I ask.

The VICE PRESIDENT. That will be done.

BILL PASSED OVER.

The bill (S. 5305) to stimulate the production, sale, and distribution of live-stock products, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SUNNYSIDE, UTAH, WATER SUPPLY.

The bill (S. 4479) for the protection of the water supply of the town of Sunnyside, Utah, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in section 3, page 3, line 4, before the word "Act," to strike out the word "this" and insert the word "the," so as to make the section read:

Sec. 3. That the said Secretary of the Interior is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation, from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909," (35 Stat. L., p. 1,098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., p. 857).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5265) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 313) to amend section 4 of the act to regulate commerce, passed February 4, 1887, and subsequent amendments thereof, was announced as next in order.

Mr. KELLOGG. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CAPE COD CANAL.

The bill (S. 5658) to authorize the acquisition and operation by the United States of the Cape Cod Canal was considered as in Committee of the Whole.

The bill has been reported from the Committee on Commerce with an amendment in section 2, page 2, line 3, after the words "sum of" to strike out "\$10,000," and insert "\$10,000,000"; so as to make the section read:

Sec. 2. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the improvement of this waterway, with the view to maintaining a depth of 25 feet at mean low water, with suitable channel widths, out of which sum may be paid any awards which may be made under the aforesaid condemnation proceedings: *Provided*, That the total amount to be paid under such awards shall not exceed \$10,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. In connection with the bill just passed, I ask to have printed in the Record a letter from the Secretary of Commerce.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
Washington, February 26, 1919.

MY DEAR SENATOR: I am inclosing copy herewith of House Document No. 1825, which contains a table showing the accidents sustained by barges in tow between Boston and Norfolk through the open sea, which would have been avoided had the inland waterway been available.

This might be useful in connection with the bill to authorize the acquisition and opening by the United States of the Cape Cod Canal.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary of Commerce.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MRS. SUSAN A. NICHOLAS.

The bill (S. 1599) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. SMOOT. I object to the consideration of that bill.

Mr. RANDELL. Mr. President, I did not understand who objected to the bill.

Mr. SMOOT. I asked that it go over.

Mr. RANDELL. I hope the Senator will let me explain it very briefly before he insists upon his objection. The bill is to provide for the payment for property taken during the Civil War from persons formerly living in Louisiana but now living in New York. They have tried faithfully to get their claim paid by the Government through the Court of Claims, but they have not been able to do that. They have been guilty of no laches. I ask the Senator not to make objection to the bill.

Mr. SMOOT. If this claims bill is passed by Congress on the testimony that is shown in the report we will open the door to untold hundreds and thousands of millions of dollars of such claims.

Mr. RANDELL. I would like to suggest to the Senator that the testimony is of the same character as that in a great many claims which have been paid.

Mr. SMOOT. Not claims of this character, I will say to the Senator. The Committee on Claims has agreed to consider and recommend favorable action upon certain classes of claims, but not the class of claims in which this bill falls. Therefore I object.

Mr. RANDELL. It was favorably reported by the committee in the last Congress.

The VICE PRESIDENT. There is objection, and the bill goes over.

HEIRS OF ADAM AND NOAH BROWN.

The bill (S. 534) for the relief of the heirs of Adam and Noah Brown was considered in the Committee of the Whole. It directs the Secretary of the Treasury to pay to the heirs of Adam and Noah Brown \$11,583.53, being due to them as owners of the brig *Warrior* since the middle of June, 1815.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR NELSON.

The bill (S. 1557) for the relief of Arthur Nelson was announced as next in order.

Mr. SMOOT. Mr. President, I should like to have some Senator explain why a claim against the Government for \$48 for office rent was not paid. I will ask the Senator from Arkansas [Mr. ROBINSON], the chairman of the Committee on Claims, to explain it.

Mr. ROBINSON. I will ask that the bill may temporarily be passed over. I have not had an opportunity to look into it recently.

The VICE PRESIDENT. The bill will be passed over.

REFUND OF STAMP TAXES.

The bill (S. 5482) providing for the refund of taxes collected for stamp tax on certain policies under the emergency tax act of October 22, 1914, under the proviso of which act such policies were exempt, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Central Manufacturers' Mutual Insurance Co., of Van Wert, Ohio, the sum of \$2,888.77, being the amount paid for stamp taxes under the emergency revenue act of October 22, 1914, on policies of such company, which policies were exempt from such tax under a proviso to said act as determined by the United States Circuit Court of Appeals for the Sixth Circuit in the case of Niles, collector of internal revenue, against Central Manufacturers' Mutual Insurance Co., decided June 10, 1918, and reported in volume 252 of the Federal Reporter, page 564.

Mr. SMOOT. Mr. President, will the Senator from Arkansas give me his attention? The Senator from Ohio, who introduced this bill, has entered the Chamber; and, if the Senator would prefer, I will ask the Senator from Ohio the question that I desired to ask the Senator from Arkansas.

Mr. ROBINSON. I think I can answer the question; but the Senator is present, and I shall be glad to have him do so.

Mr. SMOOT. This is Senate bill 5482, Order of Business 691. It provides for the refund of taxes collected for stamp tax on certain policies under the emergency tax act of October 22, 1914, to the Mutual Insurance Co. of Van Wert, Ohio, in the total amount of \$2,888.77; and I wanted to ask the Senator what was the basis of the claim of this amount? The reason why I ask the question is that a lot of these claims—I do not know how many of them—were paid, and at the time they were paid they were all of the claims that were known to the department. In the report from the Committee on Claims there is no statement from the department as to whether these claims are recommended by the department or not. Perhaps the Senator can explain it.

Mr. POMERENE. Mr. President, I may say that this matter was first called to my attention by a Congressman in whose district this company does business. It grew out of this state of facts: Under one of the earlier revenue bills it was believed that mutual companies were exempted from the payment of this tax. The Commissioner of Internal Revenue at that time held that they did not come within that exemption, and they were obliged to pay these taxes. Later the company brought suit to recover these taxes as being illegally exacted, and the United States district court sustained the contention of the company and they recovered a judgment, as I recall the facts now, for these amounts. At least, the court held that they were improperly exacted, and that finding of the court was final; so that they are seeking now to recover the amount of these taxes, with a view to refunding them to the policyholders. I think there can be no possible objection to this bill. The attorney who presented it is one of the very high-class lawyers of the State.

Mr. ROBINSON. I call attention, also, to the fact that the case was appealed from the district court to the circuit court of appeals and there affirmed.

Mr. SMOOT. And it was affirmed by the higher court?

Mr. ROBINSON. And it was affirmed by the circuit court of appeals; yes, sir.

Mr. SMOOT. Then, if that is the case, I think it ought to be paid.

Mr. POMERENE. Oh, yes; I think there is no doubt about it at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 15835) making appropriations for the support of the Army for the fiscal year ending June 30, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

STANDARDIZATION OF SCREW THREADS.

The bill (H. R. 15495) to annul an act to provide for the appointment of a commission to standardize screw threads was considered as in Committee of the Whole. It amends the act providing for the appointment of a commission to standardize screw threads, approved July 18, 1918, so that it will read:

That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers.

Sec. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

Sec. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

Sec. 4. That the commission shall serve without compensation, but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1456) making appropriation for expenses incurred under the treaty of Washington was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CORRUPT TRADE PRACTICES.

Mr. FLETCHER. Mr. President, I was temporarily out of the Chamber, being called out on some other business, when Order of Business No. 586, Senate bill 4603, was reached. It is a bill to protect interstate and foreign commerce against bribery and other corrupt trade practices. I understand that the Senator from Ohio objected to it, and it went over under his objection. I further understand that the Senator has some amendments to the bill that he desires to offer.

Mr. POMERENE. The objection was made by my colleague [Mr. HARDING].

Mr. FLETCHER. Precisely.

Mr. POMERENE. I do not know the nature of his objections.

Mr. FLETCHER. I am not going to insist on the bill being considered. The Senator from Ohio [Mr. HARDING] objected, and I understand that he had some amendments that he desired to offer to it at some time. In view of the fact that it is a Senate bill, and there is very little chance of its passing Congress anyhow, I am not disposed to urge it at this time, although it is very important. I ask leave to print in the Record in connection with it some resolutions received from the Travelers' Association, by way of indicating the nature of the bill and the general commercial desire to have it enacted into law.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

At a regular meeting of the Travelers' Association of the Paint and Allied Trades of New Jersey, held at No. 842 Broad Street, Newark, N. J., February 7, 1919, the following preamble and resolutions were adopted:

"Whereas we, the members of the above-named organization, knowing the disadvantages of unfair methods which have at times been employed in obtaining business; and
 "Whereas, we being desirous of placing ourselves on record in opposition to such practices: Therefore be it

"Resolved, That we, the Travelers' Association of the Paint and Allied Trades of New Jersey, do most earnestly urge the early passage of Federal criminal legislation for the suppression of commercial bribery, and the further protection of interstate and foreign commerce against other corrupt trade practices; and be it further

"Resolved, That a copy of this preamble and these resolutions be forwarded to the Chairman of the House Committee on Interstate and Foreign Commerce and to such other members of the Federal Government as have the power to cause an early adoption of this particular legislation."

[SBAL.]

E. F. HOPPE, President.
 F. S. VERNON, Secretary.

EXPENSES UNDER TREATY OF WASHINGTON.

Mr. KING. Mr. President, a moment ago I objected to the consideration of Order of Business 697, Senate bill 1456. I ask that it may be temporarily laid aside until the Senator from Connecticut [Mr. BRANDEGEE] comes into the Chamber—that it may go over without prejudice.

EDUCATION OF NATIVE ILLITERATES.

The bill (S. 5464) to promote the education of native illiterates, of persons unable to understand and use the English language, and of other resident persons of foreign birth; to provide for cooperation with the States in the education of such persons in the English language, the fundamental principles of government and citizenship, the elements of knowledge pertaining to self-support and home making, and in such other work as will assist in preparing such illiterates and foreign-born persons for successful living and intelligent American citizenship, was announced as next in order.

Mr. KING. I object. Let the bill go over.

Mr. KENYON. Mr. President, will not the Senator withhold that objection for just a moment?

Mr. KING. I will say to the Senator that while the subject is all right the bill, in my opinion, is fundamentally wrong.

Mr. KENYON. Will not the Senator withhold the objection for a moment? On this bill, which a good many people concur in believing is the most important bill before Congress, I want to have read and placed in the Record a letter from the Secretary of the Interior, and then I want to follow that with a letter from the President. That may change the mind of the Senator from Utah.

Mr. PENROSE. Just on that point, if the Senator will permit me, I want to say that the recommendations of the Secretary of the Interior for the expenditure of money are sufficient to bankrupt this Government or any other Government. The actual recommendations made by him to either branch of Congress during the life of the present Congress run into the billions.

Mr. KENYON. This is a measure to make American citizens out of 8,000,000 people, or thereabouts, who can not speak the English language.

Mr. KING. I call for the regular order.

Mr. KENYON. Will not the Senator permit this letter to be read?

Mr. PENROSE. Not only that, Mr. President, but after the estimates were all in and solemnly handed to the Finance Committee a couple of days ago as the basis of the contemplated loans a deficiency of nearly \$900,000,000 was discovered in a most culpable error in the Quartermaster Department—

Mr. KENYON. Not in the Interior Department.

Mr. PENROSE. And the Secretary of the Interior comes to the Committee on Agriculture, which has not put a bar up in the last six years against the expenditure of money, and gets a favorable report for \$100,000,000 for a chimerical project to reclaim farms for soldiers.

Mr. SWANSON. Mr. President, I insist on the regular order.

Mr. PENROSE. I have a right to speak on the bill for five minutes, as I understand.

Mr. SWANSON. No.

Mr. PENROSE. Then I will stop by saying it ends in a \$4,000,000,000 expenditure.

Mr. KENYON. I ask the Senator from Utah that this letter may be read into the Record.

Mr. KING. I have no objection to its going into the Record; but if the Senator offers that letter as an explanation for urging the passage of the bill I shall feel constrained to give my reasons for opposing the bill, and I think they are very persuasive, and it will take up unnecessary time.

Mr. KENYON. It is not taking any unnecessary time to explain the reasons for trying to make American citizens. If the Senator objects now, I shall take the first opportunity during the consideration of any of these bills to read that letter and also a letter from the President on the subject.

Mr. ASHURST. Although the distinguished Senator from Utah has objected to this bill, I will state that I am quite interested in it, and I trust he will allow us to have two or three minutes to discuss it. I am sure I do not want to delay the calling of the calendar; but I think the Senator from Iowa, who is a most courteous Senator, ought to have the opportunity at least to have read a letter from the President of the United States and the Secretary of the Interior, if he has such letters. I myself would crave the opportunity to say at least 8 or 10 sentences on this bill. It is a very important bill, and will not my good friend, the junior Senator from Utah, withhold his objection until two or three of us can say at least half a dozen sentences on the bill?

Mr. KENYON. Mr. President, I want to say to the Senator that the letter from the President is not to me personally, but to Congressman BANKHEAD, of the House, who is one of the authors of this measure, and he has consented that I may use it. Has the Senator any objection?

Mr. KING. The only objection I had was this: If the Senator gives the reasons which he has for supporting this bill—and there are very many strong reasons—I, having objected to it, would feel constrained to give the many reasons which I have against this measure and to suggest a policy which I think very much superior to the policy suggested in the letter from the Secretary of the Interior; and because we were anxious to have other measures disposed of, and in view of the fact that this measure will not be considered now, it seemed to me that it was unnecessary. I have no objection, however, if the Senator desires to have read the letter from the Secretary of the Interior, to that being done, but I object to the consideration of the bill now.

Mr. SWANSON. Has objection been urged to the consideration of this bill?

Mr. KING. Yes.

Mr. KENYON. I ask the Senator from Utah to withdraw the objection, so as to let a letter be read into the Record from the President of the United States on this bill.

Mr. SWANSON. The question is whether the bill is opposed or not. Under this unanimous-consent agreement, if opposed, it goes over.

Mr. KENYON. I will read the letter in my own time. It will be read.

Mr. SWANSON. I ask the Chair to enforce the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair did not hear the request of the Senator from Virginia.

Mr. SWANSON. My request is that this unanimous-consent order be enforced. If it is opposed, it goes over.

Mr. KENYON. It has not been enforced up to this time.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

The bill (S. 5607) to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain described tract of land for public park purposes was announced as next in order.

Mr. ASHURST. Mr. President, I want to discuss a matter. I want to discuss the general subject.

Mr. KING. I call for the regular order.

Mr. ASHURST. I have the right to five minutes on this bill.

Mr. KING. Objection was made to the consideration of the bill.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

Mr. KENYON. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KENYON. Has a bill now been taken up?

The PRESIDENT pro tempore. Objection has been made to the last bill, the title of which was read.

Mr. MYERS. Mr. President, there was no objection made to Calendar 700. In fact, the title has not been read.

The PRESIDENT pro tempore. The Chair will state to the Senator from Montana that the junior Senator from Utah made and reiterated an objection.

Mr. MYERS. He was objecting to Calendar 699, not Calendar 700. I ask that Calendar 700 be laid before the Senate.

The PRESIDENT pro tempore. The Secretary will restate Calendar 700.

The SECRETARY. A bill (S. 5607) to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain described tract of land for public park purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. KENYON. Mr. President, I have hoped against hope that the Senate might get down to business and consider this important bill, which the Senator from Arizona has discussed.

When it was reached on the calendar the Senator from Utah [Mr. KING] objected. I rose to ask that I be permitted to place in the RECORD a letter from the Secretary of the Interior to me concerning the bill, and a letter from the President of the United States to Congressman BANKHEAD concerning the bill. That simple privilege seems to have been denied. So in taking a little time I disclaim being responsible for extending the debate.

I trust the chairman of the Committee on Education, the distinguished Senator from Georgia [Mr. SMITH], whose heart I know is in this bill, will, before the Senate adjourns, move to take up the bill and test out the Senate as to whether it is willing or unwilling to pass a bill of such tremendous importance to the people of the United States.

Mr. SMITH of Georgia. Will the Senator from Iowa now place those letters in the RECORD?

Mr. KENYON. I am going to place them in the RECORD, but now I am going to say a word or two, not taking over four or five minutes.

The purpose of this bill is to try to Americanize and assist the States in the process of Americanizing people in this country who can not read, speak, or write the English language. For every dollar that the Government contributes to this cost the States must contribute a like sum. Senators, stop and think. Do you realize that there are over 8,500,000 people in the United States to-day who can not read or write our language?

Mr. MYERS. The Senator means 8,500,000 adults?

Mr. KENYON. Over 10 years of age; and the majority of those who do not know the English language are uneducated in any language. That eight and one-half million are more than the combined population of Nevada, Wyoming, Delaware, Arizona, Idaho, Mississippi, Vermont, Rhode Island, North Dakota, South Dakota, Oregon, Maine, Florida, Connecticut, and Washington; more than all the men, women, and children of all the cities in the United States west of the Mississippi River except one, and equal to the population of the Southern States at the time of the Civil War. Think over these figures.

That is the problem. We had a magnificent procession of soldiers yesterday passing up the Avenue, reviewed by the President, men who had gone out to save the country of which we are so proud. It would take a procession of these illiterates who can not speak our language, two abreast, marching 25 miles a day, two months to pass a reviewing stand in front of the White House. Do you get that?

Is there need for such a bill as this? Is there need to do anything to Americanize that population? When men can not read the Constitution, can not read the statutes, how can we inculcate ideas of government in them; how can they grasp the ideals of this Republic? There is your field for bolshevism. Foreigners go to them; Russians can preach to them of the success of the Bolshevik movement. They believe it; they can not read a paper; they can not read a message of the President of the United States; they can not read a speech of the United States Senators; they can not learn otherwise. Is it right to the Nation? Is it fair even to the illiterates?

That is the greatest problem, Mr. President, that America has to deal with. We talk about being a great melting pot, and we are; but a melting pot will not amount to anything if you have no fire under the pot to do the melting. This bill is to endeavor to put a fire under the melting pot to make Americans out of these illiterate people who have come to our shores. If we can not make Americans out of them by education and if any of them have ideas against our Government, as many of them have, though not all of them, of course, then other courses may be pursued. Let them be returned to the country from which they came.

We are appropriating millions of dollars here for agriculture to teach people agriculture, and yet there are three and one-half million people in agriculture in this country who can not read, speak, or write the English language. Can not read a bulletin of the Agricultural Department.

Those are some of the reasons why it seems to me it is important that this bill should receive consideration. Ignorance makes for inefficiency. Inefficiency means more accidents. The report of the Bureau of Mines lately issued shows that the non-English-speaking races in the anthracite region are twice as liable to death and injury as the English-speaking workers. What kind of citizens of this Nation can 6,000,000 or 8,000,000 illiterates make?

I have other figures here, but I am not going to take the time of the Senate to insert them. They have been perfectly startling to me. There are nearly 10,000,000 unnaturalized persons in the United States. Is that not a proposition that concerns us at all? Is it not just as important that we give some attention to this great problem of Americanization as it is that we

should pass appropriation bills? I wish all Senators would read a part of the report of the Secretary of the Interior, and whatever the Senator from Pennsylvania may say about the Secretary of the Interior, he is a man of great vision for his country and is deeply interested in this splendid work. If Senators will read that report, their patriotism will be stimulated and the problem of making democracy safe where such a large proportion of the population is illiterate will loom large before them.

Mr. President, there is, of course, no use of arguing as to the effect illiteracy has upon wages and in holding labor down to a class from which it could well desire to rise. There is no use of arguing the question of its limiting the quantity of production; of its making necessary greater supervision; that it breeds suspicion and disagreements and makes for accidents. Illiterates do not think for themselves; they permit others to do their thinking. They can be made to believe anything. They can not be made to understand the questions of cooperative labor; they can render no aid in solving the great problems of industrial unrest; they can have no knowledge of simple economics. The blood of America is being diluted by ignorance. These are self-evident propositions. Who will deny them.

I wish this Congress would pass the Burnett immigration bill. That is one of the things we ought to do. It is important in this country that every man, every woman, and every child shall know and be able to think in at least one language—not in foreign accents, but to think in accents of the United States.

Mr. OWEN and Mr. GRONNA addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield; and if so, to whom?

Mr. KENYON. I yield first to the Senator from Oklahoma.

Mr. OWEN. I have a letter from Frank Morrison, secretary of the American Federation of Labor, urging the passage of the Burnett immigration bill and constructive action by Congress. Might I be permitted to ask that it be inserted in the RECORD without reading?

Mr. KENYON. Yes; I should be very glad to have that done.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

WASHINGTON, D. C., February 25, 1919.

HON. ROBERT L. OWEN,

Senate Office Building, Washington, D. C.

DEAR SIR: I beg leave to ask your careful consideration of the following cablegram received from President Gompers and members of the executive council of the American Federation of Labor, now in Paris, France:

"PARIS, February 23, 1919.

"MORRISON, Washington, D. C.:

"Five members executive council in Paris urge you lay before the Congress and President Wilson, when he arrives, the following:

"Our investigation and findings on European countries show that unrest and unhealthy conditions now prevailing among laboring classes are due mainly to after-war conditions; that there is danger to the public weal in some of the efforts that are being put forward by the discontented masses; and that to prevent growth of similar conditions in America Congress must take such action as will put governmental affairs into constructive, rather than a passive or questionable position. "We recommend that project to defer building construction for governmental purposes until February 1, 1920, be abandoned and that individual enterprises in building industry be encouraged.

"We also strongly urge that action be taken toward completion of ships now 25 per cent or more finished, thus giving employment to those now idle and likely to become idle, and with the additional advantage of avoiding the loss which would otherwise occur if ships were not completed, even if necessary to sell ships at less than normal prices if not needed by the Government.

"GOMPERS."

There is great danger that the attitude of Congress in the defeat of various measures which might relieve the present industrial situation will result in increasing the unrest and uncertainty prevailing in this country.

I earnestly urge that the following bills be given your earnest support and that they be enacted before the close of the session, and that the course of legislation may be so shaped that it will tend to quiet rather than provoke unrest and discontent:

Burnett immigration bill (H. R. 13669); Kenyon public-works bill (S. 5397); bill for irrigation, drainage, etc., to furnish homesteads for returning soldiers, sailors, and marines; appropriations for United States Employment Service and other essential activities of the Department of Labor.

Very respectfully, yours,

FRANK MORRISON,
Secretary American Federation of Labor.

Mr. GRONNA. Mr. President, I am sure the Senator from Iowa inadvertently criticized Congress. The Senator will remember that Congress by an overwhelming vote passed the Burnett bill, but that it was vetoed by the President.

Mr. KENYON. That is not the Burnett bill which I have in mind. I refer to the Burnett bill prohibiting immigration into this country for a period of four years, which, I understand, has passed the other House and is now in some committee of the Senate.

Mr. OWEN. Mr. President—

Mr. KENYON. I yield to the Senator from Oklahoma.

Mr. OWEN. Will the Senator permit me to call attention to the fact that the passage of this bill is avoided and prevented by the rules of the Senate? It is the rules of the Senate that make it impossible for this body to legislate, and I do hope that when the Republicans take charge of the body they will pass rules that will permit this body to function, and thus meet the expectations of the American people. I will give my cordial support to that.

Mr. KENYON. I hope they will; but I will say to the Senator from Oklahoma that I do not believe they will.

The steel and iron manufacturers of this country employ over 58 per cent of foreign-born helpers; the slaughtering and meat-packing trades, 61 per cent; the bituminous coal-mining industry, 62 per cent; the silk and dye trades, 34 per cent; the glass-making enterprises, 38 per cent; the woolen mills, 62 per cent; the cotton factories, 69 per cent; the clothing business, 72 per cent; the boot and shoe manufacturers, 27 per cent; the leather tanners, 57 per cent; the furniture factories, 59 per cent; the glove manufacturers, 33 per cent; the cigar and tobacco trades, 33 per cent; the oil refiners, 67 per cent; and the sugar refiners, 85 per cent.

Of the foreign-born wage earners in this country who have been here five years or more, who were of adult age on arrival, only 31 per cent are naturalized. They have no knowledge of the history or the ideals of this Republic, and they can not get that knowledge. National unity, it seems to me, is dependent upon some language which all of our people can speak and in which they can think.

I venture the assertion that not more than four people out of every ten in the United States can accurately state any four principles laid down in the Constitution of the United States. Education is not merely a State matter. This bill proceeds on the theory of helping the States. Men have said to me, "My State does not need this." Let us see as to that. Alabama may need it; they have a high rate of illiteracy there; but the State of Iowa probably does not need a penny of it. We can take care of all of these questions. But illiteracy in any State in the Union is a problem for every other State in the Union. It is not entirely a State question; it is a national question. Illiteracy in Alabama is a question for the people of Iowa, of Wisconsin, and Minnesota. It is a great national question, and it ought to be treated as such.

We are doing more for education nationally of the population of the Philippine Islands—and what we have done there is a great tribute to America—than we are doing nationally for the education of the people of this country.

England, in the midst of this great war, could stop and work out a great plan as a part of her reconstruction plan for helping education. Education is the foundation stone of this Republic; it is an insurance policy against Bolshevism, against sedition, and against any attempts to tear down this Government.

Mr. President, I ask to have read at the desk a letter from the President to Representative BANKHEAD, who has been one of the ardent supporters of this measure, and whose name it bears, together with that of the distinguished Senator from Georgia [Mr. SMITH]. Following that I ask to have read a letter from the Secretary of the Interior, Mr. Lane.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, February 27, 1919.

MY DEAR MR. BANKHEAD: Perhaps it is idle to hope for the passage of any but the most immediately essential measures at this session, but I have been so much impressed with the importance of the so-called Americanization bill that I am writing to ask if you see any chance of getting it through without interfering with the supply bills?

Cordially and sincerely, yours,

WOODROW WILSON.

HON. WILLIAM B. BANKHEAD,
House of Representatives.

THE SECRETARY OF THE INTERIOR,
Washington, February 28, 1919.

MY DEAR SENATOR: There is, as you state, no one matter which overshadows in the public mind or in importance to the Nation that which is known as Americanization. It carries with it no implications of partisanship or of private interest. It touches and vitally affects every section of the land. It is to-day's problem and the answer to many of the problems of to-morrow.

We are not in good faith with the world so long as we are proclaiming the supreme advantages of democracy, and winning the world to our belief in it, and at the same time our War Department reports that 20 per cent of the first million and a half men called to arms in America could not write a letter home, could not sign a pay roll or read a written order. You are a conservationist and so am I. You believe in preventing waste of the gifts of God to this Republic. What

greater waste can there be than the waste of human raw material? Certainly a man can not be of this world fully who is denied access by illiteracy to all that human thought and experience has written in books and in papers. And this Government can not maintain its place of leadership, or claim such position, unless those who constitute it are informed and have that knowledge which is the foundation of judgment. Can you tell me of anything more humiliating to Americans than to find American Army officers training men in camp in the meaning of the English words "halt," "forward," "march"? There are responsibilities that go with democracy, and the first and greatest of these is that every man shall know our language, understand it when spoken, and be able to use it as a means of understanding what America is and what the opportunities of the American are.

And so I say to induce the States to do this work is a national duty and a national opportunity.

The need for it has never before been realized as it is to-day. Intelligent labor is insistent upon it, that it may itself be protected from the mistakes of the ignorant. Every mine operator and every manufacturer suffers in damages because his men do not know the instructions that are given them. A more informed workman means a safer workman, a wiser workman, a better-paid workman. We can pay our national debt by the added wealth, the greater output of a better-equipped body of workmen. This is not rhetoric, it is downright common sense. It means money to America to give our people the primary tools of knowledge. And it means safety, too. It is not safe to be at the mercy of ignorance. Of what use is it to preach sane social or economic theories to those who can have no wider vision than their own doorstep? How can the ignorant check what they are told and test it by the experience of the world? It is absurd to expect it. And these are days when all the weather bulletins do not come out of the Agricultural Department. Of what use is it to tell men that this is a land governed by law, with a written Constitution, under which men can make just such a society as will fit their needs best, when they can not know what that Constitution guarantees to them and can not for themselves gain any fair interpretation of what the tradition, the history, and the spirit of this country is?

We are at the end of a session; but I would heartily urge that no effort be spared to make its close significant by the passing of this measure, through which we can make America mean so much more to many millions of our people, home born and foreign born, than it has meant before.

Cordially, yours,

FRANKLIN K. LANE.

HON. WILLIAM S. KENYON,
United States Senate.

Mr. SWANSON. Mr. President, I ask unanimous consent that all debate on any bill on the calendar from now on shall be limited to five minutes. I wish to state that unless that consent is given and we proceed to the consideration of the calendar under that rule I will object to any further bills being considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia?

Mr. BRANDEGEE. Mr. President, before agreeing to the unanimous consent requested by the Senator, I should like to get clear in my mind what the existing unanimous consent is under which we are proceeding.

The PRESIDENT pro tempore. The Chair stated, in response to a parliamentary inquiry, that the Chair did not find in the unanimous-consent agreement any limitation of debate to five minutes, as under the ordinary rule, and, therefore, the debate might proceed subject to objection to the bill under consideration at any time.

Mr. MYERS. I hope the request of the Senator from Virginia will be granted, because if it is not granted all the other bills remaining on the calendar will be cut off, and there are a few that ought to be considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia for unanimous consent?

Mr. POINDEXTER. May I inquire the meaning of the request? I do not understand that it means to limit all debate on the bills to five minutes, but that each speech shall be no longer than five minutes.

Mr. SWANSON. That each speech shall not be longer than five minutes on any measure called on the calendar under the present unanimous-consent agreement. That is my request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. Mr. President, while I was off the floor for a few moments a bill on the calendar was reached which I reported—

The PRESIDENT pro tempore. The Chair will state to the Senator from Connecticut that there is a bill undisposed of before the Senate at the present moment, which the Chair thinks should be disposed of.

Mr. BRANDEGEE. I do not wish to object to that at all.

Mr. MYERS. Mr. President, I wish to say a word about the bill under consideration.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Connecticut after the pending bill is disposed of.

Mr. BRANDEGEE. Very good.

Mr. MYERS. Mr. President, I wish to state to the Chair and to the Senate why I was so insistent that Calendar No. 700 be not considered objected to. There seemed to be some misunderstanding. I knew when the Senator from Utah ob-

jected that he meant his objection to apply to Calendar No. 699; I knew he had no objection to Calendar No. 700; but the Chair and the clerks at the desk seemed to understand that objection was made to Calendar No. 700, and I desired to remove that misunderstanding. I am interested in Calendar No. 700, because it was called to my attention by Representative CRAMTON, of Michigan. It was carefully investigated by the Senate Committee on Public Lands, and provides for the selling to the county of Huron, in the State of Michigan, of a small tract of 120 acres of land, I believe, at a dollar and a quarter an acre. It is, I am told, about the only tract of public land left in northern Michigan. It is very rocky and not fit for agriculture, and some city in the county of Huron wishes to use it as a park. I was interested in it because my attention had been drawn to it, and I hope that the bill may pass.

Mr. President, while I am speaking I wish to take sharp issue with the criticism that was made a short time ago by the Senator from Pennsylvania [Mr. PENROSE] on the Secretary of the Interior. He used very rash and extravagant language and made very rash and extravagant assertions, stating that if all the appropriations asked for by the Secretary of the Interior were granted it would bankrupt the Government. That assertion, in my opinion, is wholly unjust, unwarranted, and undeserved. The Secretary of the Interior is a man whose vision, great statesmanship, and comprehension of the economic questions facing this country now and to face it in the future are unsurpassed by those of anybody in this country. He has plans for the betterment of the people of this country, and whenever he asks for an appropriation there is something substantial back of it; there is something substantial and beneficial to come from it.

He has only asked for one large appropriation from this Congress, and that is an appropriation of \$100,000,000 for the purpose of reclaiming lands and furnishing homes for returned soldiers and sailors. That project is in behalf of men who offered their lives and limbs in defense of the liberties of this country. It is not to be a donation; it is to be a loan, which they are to repay out of money made from honest labor through avenues afforded by the United States Government. It is a commendable project, and I do not think that the Secretary of the Interior is subject to censure on account of bringing it forward. I hope it may be enacted by this Congress, and I think that it would be of incalculable benefit to the people of this country.

That is all I care to say, and I hope now that Calendar No. 700 will be passed unanimously.

Mr. SMITH of Michigan. Mr. President, this bill was introduced by my colleague [Mr. TOWNSEND]. He is unfortunately detained from the Senate by reason of seriousness illness in his family. It comes here with a unanimous report from the Committee on Public Lands. It gives to the county of Huron a small acreage of ground for park purposes, and it is thoroughly protected under the usual requirements of Congress, so far as minerals, and so forth, are concerned. I sincerely hope the bill may be passed.

The PRESIDENT pro tempore. If there be no amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES UNDER TREATY OF WASHINGTON.

Mr. BRANDEGEE. Mr. President, I assume now that Order of Business 697, Senate bill 1456, may be recurring to under the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair understood it was temporarily passed over.

Mr. BRANDEGEE. Was there objection to the bill?

Mr. KING. No.

Mr. BRANDEGEE. That bill appropriates \$1,500 to pay an amount which was due to one of the secretaries of Caleb Cushing when he was counsel for the Government under the treaty of Washington at the Geneva arbitration. There are three committee reports—two by the Senate Committee on Foreign Relations and one by the House Committee on Foreign Affairs—in favor of the bill. There are two communications from the Department of State giving the history of the claim and stating that Mr. Hackett never received the money and that he is equitably entitled to it. It was appropriated before. This re-appropriates some \$800 and adds enough to it by a new appropriation to bring it up to \$1,500. The salaries of the secretaries of these three commissioners were increased by the State Department from \$1,500 to \$3,000, and Mr. Hackett never got his \$1,500.

Mr. OVERMAN. Mr. President, I think I will object to it. I know all about that claim. I used to be on the Committee on Claims.

The PRESIDENT pro tempore. Objection is made to the consideration of the bill, and it goes over.

Mr. BRANDEGEE. Very well.

BILLS PASSED OVER.

The bill (S. 5611) granting to certain claimants a preference right to purchase public lands in the State of Arkansas was announced as next in order.

Mr. NUGENT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5652) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes, was announced as next in order.

Mr. GRONNA. Mr. President, that is too important a bill to be passed at this time of the session. I ask that it go over.

Mr. MYERS. Mr. President, I just want to say one word. That is the bill embraced in the plan of the Secretary of the Interior to furnish homes for soldiers and sailors. I think we might as well consider it now as at any time. I had hoped we could do it now.

The PRESIDENT pro tempore. Objection has been made. The Secretary will state the next bill on the calendar.

MODOC NATIONAL FOREST, CAL.

The bill (H. R. 17) to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc. That any lands within those certain portions of Modoc and Siskiyou Counties, Cal., found by the Secretary of Agriculture to be available for the production of timber or the protection of stream flow or regulation and improvement of the grazing thereon described as follows, to wit:

Commencing at that point on the California-Oregon State line where the same crosses the west line of the Modoc National Forest, being in section 29, township 48 north, range 8 east, Mount Diablo meridian; thence southerly and westerly, following the meanderings of the said west line of said Modoc National Forest to the point where the same crosses the south line of township 45 north, range 4 east, Mount Diablo meridian, at the southeast corner of section 34 in said township; thence west, following the section lines to the southwest corner of township 45 north, range 3 east, Mount Diablo meridian; thence north along the township line between ranges 2 and 3 to the point where the same crosses or intersects the California-Oregon State line; thence east along said State line to the point of beginning; also all of sections 34 and 35, township 48 north, range 16 east, and the west half of section 2 and all of section 3, in township 47 north, range 16 east, Mount Diablo meridian, with the approval of the Secretary of the Interior, be included in and made a part of Modoc National Forest, Cal., by proclamation of the President, for the purpose of production of timber, protection of stream flow, or regulation and improvement of the grazing thereon, and thereafter to be governed, controlled, and used under the same rules and regulations now in force or to be hereafter adopted governing said Modoc National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIG HARBOR MILITARY RESERVATION.

The bill (H. R. 11219) providing for the appraisal and sale of the Gig Harbor abandoned military reservation in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc. That the Gig Harbor abandoned military reservation in sections 5 and 8, all in township 21 north, range 2 east, Willamette meridian, in the county of Pierce and in the State of Washington, be caused by the Department of the Interior to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon on December 5, 1917.

Sec. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any lawful lessee in actual occupancy on December 5, 1917, of any portion of the lands described in section 1 hereof who made actual settlement thereon in good faith under the terms of a lease by the War Department, or a sublease thereunder on said date, or the heirs or assigns of such lessee or sublessee, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase of such lessee or sublessee to exceed the lands actually occupied and improved by him on December 5, 1917, and in no case exceeding 10 acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraisal value thereof, such appraisal to be made as provided by law: *Provided*, That in making such appraisal the appraisers shall not include the improvements thereon made by the occupants of such lands: *Provided further*, That payment to the Government may be made in one sum, or one-tenth cash and the balance in nine equal annual installments, with interest at 5 per cent per annum, payable annually, as the purchaser may elect.

Sec. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessee, his heirs or assigns, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs, or assigns, in occupancy of lawfully leased tracts on December 5, 1917,

who do not purchase such tracts shall have the privilege of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884.

SEC. 4. That any lands needed for lighthouse or roadway purposes may be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN ALASKA.

Mr. MYERS. Mr. President, I ask unanimous consent that we recur for a minute to Order of Business 601, House bill 12210; and I should like two or three minutes in which to make a statement about it, if there is no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. OVERMAN. Why not wait until we get through with the calendar?

Mr. MYERS. We are nearly through now. If I wait until we get through, I can not go back. I want to go back now, while I can. It will not take over two or three minutes.

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 12210) to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and to regulate the sale and entry of public lands along the shore of navigable waters in Alaska."

Mr. MYERS. I want to make a statement of two or three minutes about this bill. It is a matter in which I have no personal interest, but it is a matter of great importance to the people of Alaska. It was objected to a while ago, and I did not think to make any statement then, but I want to make a statement about it now.

It is intended to remedy a very bad state of affairs in regard to the public lands of Alaska. It was introduced in the House by Delegate Sulzer, of Alaska, and passed the House, and I feel that it should really be given some attention here. It is very earnestly not only recommended, but urged, by both the Secretary of the Interior and the Secretary of Agriculture; and to give you an idea of the nature of the bill, and their views about it, I will read briefly from the House report. It says:

This provision of the homestead laws has been applicable only in the Territory of Alaska, and has had the effect of greatly retarding the settlement and development of the Territory. The coast line of Alaska is 26,000 miles in extent, and the river frontage measured on both sides of all navigable streams must be several times the length of the coast, as the departments have found it necessary, under the law, to consider all streams navigable that would float the smallest craft at any season of the year.

In the letter of the two Secretaries to the House Committee on the Public Lands it is said:

The bill, if enacted, would furnish relief from certain restrictions in the homestead law which are applicable only in the Territory of Alaska. The special provisions in the homestead law as applicable to Alaska, requiring that alternating 80-rod strips be left between homesteads fronting on navigable waters and limiting the frontage of any entry to 160 rods, have been found, in many cases, to work unnecessary hardship, without in such instances the slightest offsetting public advantage. In the national forests this restriction is unnecessary, since all lands are already reserved and no land is opened to entry until first examined, classified, and listed by the Secretary of Agriculture for entry under the forest homestead act. Lands needed for public purposes, such as harborage purposes, are not opened to entry anyhow, no matter how far distant from other patented lands, and no matter how small an amount of shore line is involved. The present law, therefore, merely operates to prevent the listing of land which might be used for agricultural purposes, and which is of no value for harborage or other water-front purposes. In effect, the measure under consideration would leave such spaces reserved, excepting where it is found they are not needed for public purposes. Outside of the national forests, discretion in making such exceptions and restoring such reserved spaces to entry would, by this measure, be vested in the Secretary of the Interior.

The enactment of this measure would enable the executive departments to afford immediate relief to many worthy settlers who have in good faith occupied, improved, and cultivated lands of no special value because of their water frontage, and have in every way complied with the requirements of the homestead law, excepting that they are found to be within 80 rods of another entry fronting upon navigable water, or it is found that their water frontage, following the sinuosities of the shore, exceeds the 160-rod limitation.

Since this measure fully protects all public interests, while at the same time allowing the utilization of lands which would otherwise remain unnecessarily unused and reserved, it is our opinion that the bill under consideration should be enacted into law.

Very truly, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired. The Secretary will state the next bill on the calendar.

Mr. MYERS. Mr. President, just a word. I understand my time is limited to five minutes, and I have quit. Now, can not the bill be voted on?

The PRESIDENT pro tempore. The Senator made no motion.

Mr. MYERS. I asked unanimous consent to recur to it, because it was passed over.

The PRESIDENT pro tempore. Is there objection?

Mr. OVERMAN. Mr. President, I did not object to it, and I have no objection; but somebody in the Senate objected to it, and he must have had a reason. I do not think that after some Senator has objected to a bill unanimous consent should be asked to take it up.

Mr. MYERS. Sometimes, when an explanation is made, a Senator withdraws his objection.

Mr. OVERMAN. But some of the Senators are not here now. Mr. MYERS. I do not know who objected.

Mr. GRONNA. Mr. President, this is a very important measure, and we ought not to try to pass a bill of this kind while debate is limited to five minutes, and I shall object to it.

The PRESIDENT pro tempore. Objection is made. The Secretary will proceed with the next bill on the calendar.

ENLARGEMENT OF YELLOWSTONE NATIONAL PARK.

The bill (H. R. 13350) to add certain lands to the Yellowstone National Park was announced as next in order.

Mr. NUGENT. I ask that that bill be passed over.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry. Was Calendar No. 705 called?

Mr. MYERS. Calendar 705 was not read.

The PRESIDENT pro tempore. Calendar No. 705 is not in the file of the Secretary of the Senate. It has not yet been printed. The Secretary will proceed with the reading of the next bill.

Mr. SHAFROTH. Do I understand the Chair to say the bill has not been printed?

The PRESIDENT pro tempore. So the Chair is informed.

Mr. SHAFROTH. I will state that it is printed.

The PRESIDENT pro tempore. The Chair will recur to that measure at the end of the call of the calendar, unless some Senator makes an objection.

Mr. MYERS. Mr. President, I just want to say in regard to Calendar 706, which has been objected to, that it is supported by the Secretary of the Interior and the Director of the National Park Service, who are very earnestly in favor of it.

Mr. NUGENT. Mr. President, in respect to Calendar No. 706, I will say that I apprehend that a great proportion of the lands intended to be added to the Yellowstone National Park are in the State of Wyoming. It appears, however, from information coming to me, that certain portions of those lands are in the State of Idaho. I know nothing whatever in respect to this matter of my own knowledge, but during the past days I have received a communication on behalf of a large number of people in the State of Idaho entering very strenuous objection to the passage of this bill. I received a protest from the officers of the Idaho Wool Growers' Association, from the officers of the Idaho Horse and Cattle Growers' Association, from agricultural agents in certain counties in Idaho bordering on these lands, as well as from the officers of certain local horse growers' and cattle growers' associations; and under those circumstances I consider that I am justified in asking the bill be passed over.

The PRESIDING OFFICER. Objection is made. The Secretary will now recur to Calendar No. 705, which has just been received at the Secretary's desk.

LINCOLN-DOUGLASS SANATORIUM, OF DENVER, COLO.

The bill (H. R. 11368) to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for a certain-described tract of land, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for the following tract of land, to wit: The northwest quarter of the northwest quarter of section 1, and the northeast quarter of the northeast quarter of section 2, in township 3 north, range 61 west of the sixth principal meridian, in Colorado, upon the payment of \$1.25 per acre: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found in the land and the right to prospect for, mine, and remove the same: *And provided further*, That this grant shall be subject to all prior valid existing rights under the land laws of the United States, and that if the grantee shall fail to use the land for sanatorium purposes or shall devote the same to other uses the title thereto shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON THE JUDICIARY.

The resolution (S. Res. 469) authorizing the Committee on the Judiciary to continue investigation of German and Bolshevik propaganda and to incur and pay the expenses of said investigations, etc., was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDENT pro tempore. That completes the calendar.

Mr. SHEPPARD. I call for the regular order.

Mr. OVERMAN. I should like to know who objected.

Mr. GRONNA. I objected.

Mr. OVERMAN. I want to say to the Senator from North Dakota that we need only four days to complete that investigation.

Mr. GRONNA. Mr. President, let me say to the Senator that I consider this an acknowledgment that the Department of Justice is not functioning. With the stringent laws that we have on the statute books on this subject, including the espionage law, why is it necessary to have any additional committees to investigate the matter? Furthermore, so important a matter as this should have been brought to the attention of the Senate earlier, and it should not be brought up at a time when we are limited to five-minute speeches.

I believe that the Department of Justice has all the authority necessary to stamp out anarchy and lawlessness, and I believe they should be stamped out. I also believe that the Senate committee now has all the authority it needs to conclude its investigations.

Mr. OVERMAN. The Senate has authorized us to make the investigation. We have not finished it. We would like about four days in which to finish it and get up our report. That is all the resolution is for. Does the Senator still object?

Mr. GRONNA. I object.

Mr. OVERMAN. I want to say that we have a right to do it anyway, and we are going on to do it.

The PRESIDENT pro tempore. Objection is made.

Mr. SHEPPARD. I call for the regular order.

THE CENSUS—CONFERENCE REPORT.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) providing for the Fourteenth and subsequent decennial censuses.

PUBLIC BUILDING AT JUNEAU, ALASKA.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Texas to yield for just a moment. The Public Buildings and Grounds Committee to-day reported a bill that is considered an emergency measure, increasing the limit of cost for a public building at Juneau, Alaska. The conditions there are deplorable. It is only half a dozen lines; and I ask unanimous consent to consider and pass that bill.

Mr. SHEPPARD. I ask that the unfinished business be temporarily laid aside until the bill to which the Senator from Washington refers can be considered.

Mr. JONES of Washington. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the Senate temporarily proceed to the consideration of Senate bill 5648. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5648) to increase the limit of cost for the construction of the United States public building authorized at Juneau, Alaska. It increases the limit of cost for the construction of a public building at Juneau, Alaska, authorized by section 4 of the public buildings act approved June 25, 1910, by the sum of \$450,000, to meet the cost of additional space needed for rooms for the Territorial legislature and for the Territorial library and museum to be located therein, and authorizes the Secretary of the Treasury to enter into contract for the completion of said building within the limit of cost provided in the act of 1910 and the additional limit herein authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF CHARLES MORGAN, MAIL CONTRACTOR.

Mr. SHEPPARD obtained the floor.

Mr. GAY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Louisiana?

Mr. SHEPPARD. I do.

Mr. GAY. I ask unanimous consent for the consideration of Senate resolution 473.

Mr. SHEPPARD. Will it take any time?

Mr. GAY. I think not. If it provokes any debate I will withdraw it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the resolution.

Mr. GAY. I move the adoption of the resolution.

Mr. FRELINGHUYSEN. I ask that the resolution may be read.

Mr. GAY. It is a request on the Secretary of the Treasury to report the facts as shown by the records of the Treasury Department in a claim involving Morgan's Louisiana & Texas Railroad & Steamship Co. It is a local matter, and it is one that has been pending for some time. I merely ask for its consideration at this time in order to advance business.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 473) submitted by Mr. GAY on the 26th instant, as follows:

Resolved, That the Secretary of the Treasury be directed to report the facts, as shown by the records of the Treasury Department, as to a claim of Morgan's Louisiana & Texas Railroad & Steamship Co., as assignee of Charles Morgan, mail contractor, for \$2,094.17 for one month's extra pay, under certificate No. 74 of the sixth auditor, which claim was certified to Congress for appropriation in House of Representatives executive documents as follows: No. 29, Forty-sixth Congress, second session (p. 99); No. 30, Forty-sixth Congress, third session (p. 133); No. 26, Forty-seventh Congress, first session (p. 78); No. 153, Forty-eighth Congress, second session (p. 93); No. 314, Fifty-first Congress, first session (p. 5); and No. 210, Forty-ninth Congress, first session (p. 17), and was reported upon favorably by the Committee on Claims of the House of Representatives in its report No. 2750, Fifty-first Congress, first session, and further reported to Congress in Senate Document No. 92, Fifty-seventh Congress, second session (p. 18); and to report also whether any reason appears to the Treasury Department why appropriation should not now be made.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

Mr. SMOOT. I wish to know something about it.

Mr. GAY. The resolution, I will say, simply calls on the Treasury Department to show the record in this case and to report also whether any reason appears to the Treasury Department why the appropriation should not be made. It is only asking for information.

Mr. SMOOT. I have no objection to information being given as to this mail contract.

Mr. GAY. That is all it asks for.

Mr. SMOOT. No; I think it also seeks an expression of opinion as to whether it ought to be paid or not.

Mr. GAY. Whether there is any reason why it should not be paid.

Mr. SMOOT. There is no reason why the Treasury Department should be asked to give such an opinion.

Mr. GAY. It is following the custom that has existed before in a number of other cases. However, I do not wish to take up the time of the Senate with a discussion of the resolution. I thought there would be no objection to it.

Mr. SMOOT. I have no objection to getting the information.

Mr. GAY. I told the Senator from Texas that if there should be any objection to it I would not press it.

Mr. SMOOT. If the Senator will strike out the words "and to report as to whether any reason appears to the Treasury Department why appropriation should not now be made," I have no objection to the other part of the resolution.

Mr. GAY. I am perfectly willing to have that amendment made.

Mr. SMOOT. I move that amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

AMENDMENT OF THE RULES.

Mr. CALDER. I give notice that at the appropriate time I shall move to suspend the provisions of paragraph 3 of Senate Rule XVI, prohibiting any amendment proposing general legislation to any general appropriation bill, for the purpose of offering the following amendment to the third deficiency bill:

That the Postmaster General is authorized and empowered, within the limits of the amounts herein authorized—

(a) To construct a tunnel or subway in the city of New York along, through, and under such street or streets as may be designated by the local authorities for the purpose of transmitting mail matter between the post office located at or near the terminal station of the Pennsylvania Railroad Co. in said city and the post office located at or near the terminal station of the New York Central Railroad Co. in said city.

(b) To provide such type of equipment and of operation as, in his discretion, he may consider desirable and practicable for the efficient operation of said tunnel or subway.

(c) To purchase, lease, or acquire any land or interest therein, in the name of the United States, which may be necessary in constructing or equipping said tunnel or subway.

(d) To enter into a contract or contracts with a private individual, firm, or corporation for the construction, equipment, and operation, or separately for construction, equipment, or operation of said tunnel or subway upon such terms and conditions as he may deem advisable.

That for the purpose of carrying out the provisions of this act the expenditure of \$1,500,000 is hereby authorized, and in executing the authority granted by this act the said Postmaster General shall not expend or obligate the United States to expend more than the said sum, excepting for the maintenance and operation of said tunnel or subway, the expense of which shall be a charge against the general appropriation of the Post Office Department.

That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

ADDRESSES BY JUDGE STAFFORD.

Mr. CHAMBERLAIN. Mr. President, I had the pleasure of hearing an address by Judge Stafford, of the Supreme Court of the District, the other day on Lincoln at the Lincoln anniversary. He has also delivered an address to the Vermont Bar Association on the subject of "A League of Nations." I ask that these two addresses be referred to the Committee on Printing, in the hope that they may be recommended for printing as a public document.

The PRESIDENT pro tempore. Without objection, that reference will be made.

OIL AND GAS LANDS—CONFERENCE REPORT.

Mr. PITTMAN. Mr. President, I wish to announce that at 9 o'clock, or as soon thereafter as any Senator yields the floor who has it, I am going to present the conference report on the oil and gas leasing bill, Senate bill 2812, and ask unanimous consent at that time to proceed to its consideration. If such agreement is not granted, I shall then move to take up the conference report for consideration. I give this notice so that any Senators who may be interested in the matter may be here.

CONSTITUTION OF THE LEAGUE OF NATIONS.

Mr. LENROOT. Mr. President, it is not my purpose at this time to discuss at length the proposed constitution of the league of nations, but I believe it is the duty of every Senator to make known at this time to the country and to President Wilson his position upon it.

The Senate never has had since the beginning of this Republic a more important responsibility than it will have when the peace treaty shall finally come before it for ratification, amendment, or rejection. At this time the country is confronted with an unprecedented situation, unprecedented, in the first place, because for the first time the President of the Republic has left American soil and has spent months on foreign territory, participating in the formation of a peace treaty. I am not criticizing that, for if he shall be successful in securing a treaty that will be in the interest of America, that will be acceptable to the American people, that will in some measure at least prevent wars in the future, the entire American people will give their approval.

But the situation is unprecedented in a more important respect. The commission that has been at work for some months in Paris has, through one of its committees, presented this proposed constitution of a league of nations, a constitution which we are told is not the American plan, but is the English plan. That proposed constitution has been agreed to by the President of the United States and the commissioners whom he has selected. The President has returned to America upon this proposition, written in very large part by those having at heart not the interest of America, but the interest of their own countries, not to seek the counsel of the American people, not to seek the counsel of the United States Senate, but as he himself states, merely to report progress. From all we can gather, the President is not asking for the advice of the American people as to any portion of this proposed constitution.

In addition to that, we find Senators, notably the chairman of the Committee on Foreign Relations, the Senator from Nebraska [Mr. HITCHCOCK], insisting that there shall be no criticism of this proposed constitution, that it is now absolutely perfect as if inspired from on high; that no one, either in the Senate or elsewhere, can make any suggestion for its improvement that should receive any consideration either from President Wilson or from those who are entitled to seats in the peace conference.

Mr. President, since the convention that framed our Constitution no more important question has confronted the American people. The time for discussion is now. If the Senate will not ratify a treaty embodying the league of nations, as now proposed, President Wilson should know it before his return to Paris. Silence upon the part of a Senator now may be regarded as acquiescence. If the President knows upon his return to Paris that modifications must be made in order to secure ratification by the Senate, the presumption is that he will secure such modifications as may be necessary. If he does not, then in case of ultimate failure of the Senate to ratify the treaty he must take the responsibility for any consequences that may follow. I recognize that the appropriation bills are important and that many must fail of passage by next Tuesday if this matter is to receive proper discussion; but these bills can be passed at a special session, while the discussion of this matter should not be postponed.

I am not opposed to a league of nations. I favor it. I approve the general plan of the formation of the league as proposed. In my judgment the country will approve the proposed constitution if certain material modifications are made and other provisions simplified and their interpretation made certain.

Articles 1 to 7, inclusive, it seems to me, are free from objection except in one important particular, already pointed out by others who have addressed the Senate upon the subject, and that is the equality of voting power of every nation. Serbia has the same power in this league as the United States. The vote of Greece weighs as heavily in arriving at the judgments of the league as does that of the United States. It has already been pointed out that in the meeting of the delegates Great Britain will have five votes, the United States will have one. This objection was recognized by the framers of the constitution in the provision made for the executive council whereby the United States, Great Britain, France, Italy, and Japan will always constitute the majority; but it must be remembered that under article 15 any dispute between the nations, members of the league, may on application of either party be taken out of the hands of the council and referred to the body of delegates; so that, in fact, the provision against domination of the league by small nations becomes of no value. If the league is to have any powers beyond a moral force and recommendation, the United States should not be placed upon an equality with Czecho-Slovakia in determining the liberties of the world and the future of mankind. President Wilson truly says the United States is the most important factor in the world to-day. This is due to two things:

Our example to the world as an unselfish, liberty-loving, self-governing people, and

Our entire freedom of action to determine for ourselves what course will best serve the preservation of our own liberties and the future of civilization.

This freedom of action is not only to be surrendered to a league of nations but it is to be surrendered to a body in which we shall have no greater voting power than Portugal. Either this inequality must be remedied or else our freedom of action must be preserved.

We next come to article 8, relating to disarmament.

The matter of disarmament is one of the most important of the President's 14 points, so far as the future peace of the world is concerned; but I agree with the Senator from Illinois [Mr. LEWIS] that there is nothing in this article, or anywhere in the constitution of the league, that requires reduction of armaments.

All that this article does is to direct the executive council to formulate a plan for disarmament and propose the same to the nations members of the league, but its adoption is wholly optional with each government. True, when once adopted the limit of armament can not afterwards be exceeded without the permission of the executive council, but no nation would be insane enough to adopt such plan so long as there was any powerful nation, either within or without the league, that had not adopted it. The result would be that a separate convention would have to be entered into and agreed to by all the powerful nations of the world before reduction of armaments could be accomplished. All the league of nations could do would be to propose such a convention or treaty. Thus, in the most important factor for the prevention of future wars, the reduction of armaments, so strongly emphasized by President Wilson in his 14 points, the league is powerless.

The same observations can be made of the second paragraph of the article, relating to manufacture of munitions and implements of war. The action of the league is advisory merely. In the third paragraph agreement is made that there shall be no concealment of the condition of industries as are capable of being adapted to warlike purposes, and that there shall be full and frank interchange of information as to military and naval programs.

This paragraph may be of value in that such information, although always secured by powerful nations through some means or other, can by this paragraph be secured as a matter of right.

I can see no objection to article 8. It can do no harm, and in initiating a program for disarmament it may do some good. But we should not be deceived by any representation that this league will insure reduction of armaments, for it will not.

Mr. WADSWORTH. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. I yield.

Mr. WADSWORTH. Does the Senator construe the last sentence of the paragraph which he has just read as compelling a nation to disclose any invention which might directly or indirectly be applied to the waging of war?

Mr. LENROOT. I am frank to say that I think either interpretation might be gathered from the language. The language is vague and indefinite upon that subject.

Article 9, providing for a permanent advisory commission on the execution of the provisions of article 8, and on military and naval questions generally, will be beneficial in affording expert advice in formulating a program to be proposed to the parties to the league.

We next come to article 10, whereby the high contracting parties undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all States members of the league. By this article the United States would become obligated to use all its resources and all its man power, if necessary, for the preservation of the existing territory and political independence of every nation in the league if attacked by any other nation. This means we would be in honor bound to send our troops to every quarter of the globe where trouble may arise. No matter how despotic a nation may be, though their own people may be fighting for liberty, no other nation can assist them, or, if they fight, they must fight not for liberty, but for the preservation of despotism.

If Turkey should be admitted to the league, so far as this constitution is concerned, the Sultan may massacre the Christians within its borders at will. Such action will not be within the jurisdiction of the league, nor will any member of the league have the right to go in and free the Christian peoples and enable them to set up a separate Government. To illustrate, if Armenia had remained under the Turkish Empire, we would by this article guarantee that it should forever remain under Turkish rule and no nation would be permitted to assist them to freedom. True, by this war Armenia will become an independent nation, but in the years to come there may be other Armenias, peoples may struggle against despotism and for freedom, but this league of nations under this article would not only prevent us from helping them, but we must actually fight any nation that would undertake to help them. Surely this is not making the world safe for democracy. I am not unmindful of the fact that this article would also prevent a despotic nation from extending its territory and enslaving free peoples, but to prevent autocracy extending in one direction, we should not prevent liberty extending in another. Moreover, the United States never would make war against any nation, great or small, except for its own safety, or to bring liberty to others, as was done in Cuba, but, under this article, we can never, whatever the provocation may be, assist any people to free themselves from a despotic government and establish their own independence. I say we can not and neither can the league of nations do so. If we fight at all, under the terms of this article, we must fight against them, not for them.

If there is trouble in the Balkans in the future, we must send, under this obligation, our quota of troops to Europe to preserve the territorial integrity and existing political independence of the Balkan States. If Bolsheviks or Socialists in Russia should undertake to assist in overthrowing any of the monarchies in the Balkan States, we must fight Russia, we must become a party to every little quarrel in Europe and contribute American boys and American money to stop it. No such obligation should be imposed upon us. The European nations members of the league should be primarily responsible for the peace of Europe.

The United States should be primarily responsible for peace in the Western Hemisphere. If the European nations shall be unable to maintain peace, then they should be free to call upon us for help; but we should be left free to decide for ourselves whether the situation is such as to call for our intervention. If the peace of the world is menaced, we will intervene, as we did in this war, but we should not be obliged to do so. On the other hand, the United States will prevent external aggression against any of the nations in the Western Hemisphere, and will ask no aid from European nations in so doing.

I do not think we can safely agree to this article as written, either from an American standpoint or from the standpoint of safeguarding the liberties of mankind. We can safely have an understanding or agreement, such as was had between France and Great Britain in 1912. That understanding was in these words—Sir Edward Grey to the French ambassador in London:

I agree that if either Government has grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common.

Here, then, was no obligation, except to discuss and consider common action. And yet in 1914, when the European war was started, that understanding was sufficient to bring Great Britain and France together, because they realized that it was necessary for them to fight together against a common enemy.

Article 10, in question, could well be amended along the same lines by agreeing that in the case of external aggression or threatened aggression against one of its members the executive council should at once take jurisdiction of the matter and advise such common action as it may deem necessary in the particular case. The article might go even further, by entering into an obligation that in no case should a member State extend its territory, either through force or peaceful means, without the consent of the inhabitants of the territory affected.

There should be no objection to article 11, for any war or threat of war should be a matter of concern to the league; but it should be observed that the high contracting parties reserve to themselves to take any action that may be deemed wise and effectual to safeguard the peace of nations. In this article, while a threat of war is declared a matter of concern to the league, no powers, even of an advisory nature, are granted to the league, but the parties to the league reserve to themselves entire freedom of action. In view of the subsequent articles, however, it is difficult to conceive what such freedom of action could be.

It should be noticed that this article relates to war or any threat of war, while the previous article relates to external aggression. The mind at once inquires whether these two phrases are synonymous or not. The presumption is they are not, and that the term "external aggression" in article 10 may mean something less than war. If this be true, article 10 is all the more dangerous, for we may be obligating ourselves to prevent propaganda, from the outside, tending to overthrow an existing government. For many years Irish societies have had for their object a free Ireland. Under article 10, could this Government be obligated to suppress such Irish societies? I merely raise the question, but I will say, Mr. President, that while I have not had opportunity to examine the judicial interpretation of the words "external aggression" or "aggression" in international law, if there be any such judicial interpretation, I do find in Webster's Dictionary that the word "aggression" has, among others, this interpretation:

The first act of injury; the first act leading to a war or a controversy.

If that be true, and we are committed to protect every country against external aggression, it means that we are committed to take the side of that nation, the member of the league, although the dispute may be only a controversy, although there may be merely organizations in one nation that are by propaganda, financial assistance, or otherwise, attempting to assist the people of another nation, also a member of the league, to gain their liberty.

Articles 12 and 15 should be considered together, for they relate to the same subject. Both cover in part the same ground, and, to a certain extent, seem to be inconsistent with each other. Under article 12 the high contracting parties agree that they will in no case resort to war without previously submitting the dispute to arbitration or to the executive council of the league, and until three months after the award of the arbitrators, or a recommendation by the executive council, and that even then they will not resort to war as against a member of the league complying with the recommendation of the executive council. Under article 15 the parties again agree that any dispute between members of the league likely to lead to rupture shall be referred to the executive council. Article 12 provides that war shall not be resorted to against any member of the league complying with the recommendation of the council. Article 15 binds the parties in the same manner only if the vote of the members of the council, other than the parties to the dispute, is unanimous. This section provides that in any event a recommendation shall be made under this article, but it is binding only if unanimous. Under article 12 there is no such qualification. This article also provides that the executive council may upon its own motion refer the dispute to the body of the delegates and upon application of either party it shall be so referred. If the recommendation of a majority shall have any binding force, then even without the addition of any other nations to the league the five great powers will constitute a minority. Czecho-Slovakia, Greece, Poland, Portugal, Roumania, and Serbia could outvote the United States, Great Britain, France, Italy, and Japan. If, on the other hand, the decision shall be binding only if unanimous, a case probably never would arise where a member would be obligated to refrain from war following the recommendation of the council or the body of delegates.

I think everyone should agree that the inconsistency in these two articles should be remedied. If the action of the league is to be binding only if unanimous, there may be no great danger in these articles, but if otherwise the United States can not

safely delegate to this league, in which Roumania shall have the same voting power, questions which we do not recognize as justiciable, questions which may involve our honor, aye, even our future existence as a Republic.

From a reading of articles 12 and 15 one is led to believe that they were separate drafts prepared to cover the same subjects, and the commission was unable to decide which should be selected, and so they selected both of them. If one believes that action by a majority should be binding, section 12 can be pointed to as so providing. If one believes that unanimous action only should be binding, section 15 can be pointed to as so providing.

Article 13, providing for voluntary arbitration of justiciable questions, should be approved. It merely reiterates the declaration of The Hague conventions of 1899 and 1907. It is interesting to note in this connection, however, the reservation made by the United States upon signing both of such conventions. It is in the following language:

Nothing contained in the convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Article 14 provides for the establishment of a permanent court of international justice, and it seems to me there should be no disagreement as to the desirability of this article.

Article 16 provides for the enforcement of the covenants under article 12. If this were limited to awards made under arbitration of disputes voluntarily submitted to the league, I see no objection, and even if it included all justiciable questions it perhaps should receive approval, but the Senator from Iowa [Mr. CUMMINS] has clearly pointed out the danger to the United States if this article is to cover all disputes of every nature. He particularly pointed out the possibility of Japan raising the question before the executive council of our exclusion laws. Unquestionably the league would have the power under the proposed constitution to open our gates to Japanese, Chinese, and oriental immigration, or else we would have to repudiate every contract made in the league. Forbidding preventing the landing of such immigrants after the award would constitute an act of war, and by that act we, by the terms of this article, would be at war with every member of the league, and would suffer all the penalties in the article provided. Are the American people ready to submit the determination of our immigration laws to a league of nations?

Mr. President, I undertake to say that no constitutional lawyer—and I do not make any pretense of being such—of standing in the United States would ever render an opinion that, if this league constitution be adopted as now proposed, our immigration laws will not be within the jurisdiction of the league of nations. All that is necessary to give this league of nations jurisdiction is a dispute between two nations, a dispute under one article, that may lead to a rupture. Will anyone say from the experiences we have had in the past that there has been no dispute between Japan and the United States on this question? Will anyone say that, if this constitution be ratified, the very next day Japan can not again raise the question which she has raised before, and, on our failing to come to an agreement that is satisfactory to her, under the very provisions, the explicit provisions, of this constitution, she may appeal to the executive council, and the executive council then must take jurisdiction of the dispute? There can not be any question of the jurisdiction of the league over immigration laws or any other of our domestic laws that may be in dispute with any other nation.

Ah, Mr. President, the reply to that criticism made to-day by the Senator from Nebraska [Mr. HITCHCOCK], and the reply that is being made by other defenders of this league in the form in which it now stands, is always "President Wilson says that is not so; President Wilson says that it is clear this league would have no jurisdiction of our immigration laws;" but President Wilson will not be the final interpreter of the jurisdiction that is conferred upon this league of nations by this constitution. That will be determined by the interpretation of the constitution itself, and it will be determined by the interpretations, presumably, of men versed in international law, and it is no answer either to this criticism, or any other, that President Wilson says it is not so.

Article 17 deals with nonmember States, and in case of disputes provides for membership in the league for the purpose of such disputes. This should be considered in connection with articles 12 and 15, which I have already discussed, and the observations made with respect to these articles apply to

article 18. I would, however, call particular attention to the last paragraph of this article, reading as follows:

If both parties to the dispute, when so invited, refuse to accept the obligations of membership of the league for the purposes of such dispute, the executive council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

It will be noted that the disputes here referred to are not limited to disputes which may lead to war, but they include all disputes of every nature. The consent of the nations to submit the dispute is not required. There may be no threat of war. The nonmember nations involved in the dispute may have no thought of war, but here the executive council is given power to take such action as will settle it. By what right can this self-constituted authority intervene in such cases? By what principle of democracy can it be asserted? It boldly asserts the right of this league to govern other self-governing peoples without their consent. There can be but one situation where interference could be justified, and that is where such disputes might affect the rights or menace the safety of a member of the league. To go further than that would be despotism.

Article 19 governs mandatories. As I interpret this article the executive council shall have the right to designate members of the league who shall undertake the supervision of and become the guardians of those colonies and territories formerly belonging to the central powers and now proposed to be given their independence but not able to stand by themselves. The article recites that the tutelage of such peoples should be intrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility. Specific mention is made of communities formerly belonging to the Turkish Empire, Central Africa, South Africa, and the South Pacific isles. A very casual reading discloses unmistakably that Great Britain will take care of Africa, but who will take care of and be responsible for Turkey? Just as clearly as the paragraph relating to Africa points to Great Britain, which will be to her advantage, so just as clearly does the paragraph relating to Turkey point to the United States. The sick man of Europe is to be turned over to the United States. Notice the language: "The wishes of these communities must be a principal consideration in the selection of the mandatory power." This language is not used in speaking of Africa and the South Pacific isles, it is used only of communities formerly belonging to the Turkish Empire.

Then turn to President Wilson's Boston address, "There is no nation in Europe that suspects the motive of the United States." That is true, and we all glory in it, but because it is true every weak, struggling people in Europe will ask that the United States be made its guardian, and the communities lately a part of the Turkish Empire are sure to select the United States, and article 19 declares that as to those peoples their wishes should be the principal consideration.

Further quoting from the President's address:

Whenever it is desired to send a small force of soldiers to occupy territory where it is thought nobody else will be welcome, they ask for American soldiers.

Mr. President, I do not believe American mothers and fathers are willing to send their boys to keep the peace with the unspeakable Turk through all the years to come. Our boys are now in Russia, kept there in violation of the Constitution. The American people insist that they be withdrawn. I have had hundreds of letters upon the subject, all without exception demanding the return of our boys. Think you the American people will be any more willing to send their boys to Turkey? Is Turkey a menace to the peace of America? Is it our business to preserve law and order there? How generous our European associates are! As a reward for our intervention in the great war, for the sacrifice of 50,000 American boys now sleeping beneath the sod in France, given to preserve our own liberties and our own institutions here in America, we are to be permitted—no, not permitted; we shall be required—to keep an American Army in the Turkish Empire. Mr. President, the American people will not submit to this, and if there were no other objections to the proposed constitution this provision as it now stands would cause its rejection by an overwhelming majority of the American people. This article should be amended so as to make it clearly optional with any member of the league to accept the mandate, and it should be provided that it could only be accepted with the consent of the legislative body of the nation invited. It should further be provided that the mandate could be surrendered to the league at any time.

Article 20, relating to labor, is advisory only, and if this league can make any recommendations resulting in a benefit to labor it should be welcomed.

Article 21 provides that provision shall be made through the instrumentality of the league to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the league. Just what this language means no one seems to know. If it means that the league shall have power to take jurisdiction over tariff laws, shipping, and so forth, of States members, of course it can not be approved by the United States. If, on the other hand, it means no more than the provisions known as the most-favored-nation clause of our treaties, there may be no serious objection. In any event, there can be no excuse for not amplifying this article and making plain what is meant.

The remaining articles, 22 to 26, inclusive, should, it seems to me, receive our approval as they stand. As this constitution now stands it is a perpetual covenant. No provision is made for withdrawal by any member. I think, inasmuch as it is an experiment, its life should be limited to 10 years. If it is a success, it can then be made perpetual or further extended. If it is a failure, the nations should not be perpetually bound by it.

Mr. President, I have thus hastily reviewed the different articles of the proposed constitution. I have tried to approach this question without prejudice, without partisanship. I have studied it solely as an American, anxious and ready to approve it in so far as I believe it to be consistent with the aims and purposes and ideals of America. I am not ashamed to say that in its consideration I have had America first in mind. Our soldiers fought primarily not to make democracy safe in the world but to make it safe in America, and by making it safe here, by preserving our own freedom, we can best make it safe for others.

We all pay tribute to President Wilson's idealism, but I believe it better to insure the realization of our ideals here in America rather than surrender any part of them for the possibility of the realization of a world ideal. Mr. President, this is not the first time that a league of nations has been proposed, with the realization of noble ideals as its professed object.

The Holy Alliance in 1815 was a league with declared ideals of the highest order, and it is not out of place in this connection to read the declaration of that league, signed in September, 1815, by Russia, Prussia, and Austria:

In the name of the Most Holy and Indivisible Trinity, their majesties the Emperor of Austria, the King of Prussia, and the King of Russia, in consequence of the great events which have marked the course of the last three years in Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope in it alone, having acquired the intimate conviction of the necessity of settling the steps to be observed by the powers, in their reciprocal relations, upon the sublime truths which the holy religion of our Savior teaches; they solemnly declare that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence upon the counsels of princes, and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their majesties have agreed on the following articles:

ART. 1. Conformably to the words of the holy Scriptures, which command all men to consider each other as brethren, the three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity, and, considering each other as fellow countrymen, they will, on all occasions and in all places, lend each other aid and assistance; and, regarding themselves toward their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect religion, peace, and justice.

ART. 2. In consequence, the sole principle in force, either between the said governments or between their subjects, shall be that of doing each other reciprocal service, of testifying by unalterable good will the mutual affection which ought to animate them, of considering themselves all as members of one and the same Christian nation; for the three allied princes look on themselves as merely delegated by Providence to govern three branches of the one family, namely, Austria, Prussia, and Russia, and thus confess that the Christian world, of which they and their people form a part, has in reality no other sovereign than Him to whom alone power really belongs, because in Him alone are found all the treasures of love, science, and infinite wisdom, that is to say, God, our divine Savior, The Word of the Most High, the Word of Life. Their majesties consequently recommend, with the most tender solicitude for their peoples, as the sole means of enjoying that peace which arises from a good conscience and which alone is durable, to strengthen themselves every day more and more in the principles and exercise of the duties which the divine Savior has taught to mankind.

ART. 3. All the powers who shall choose solemnly to avow the sacred principles which have dictated the present act, and shall acknowledge how important it is for the happiness of nations, too long agitated, that these truths should henceforth exercise over the destinies of mankind all the influence which belongs to them, will be received with equal ardor and affection into this holy alliance.

Done in triplicate and signed in Paris, the year of grace, 1815, the 14th (26th) September.

FRANCIS.
FREDERICK WILLIAM.
ALEXANDER.

Mr. President, could there be higher ideals than those expressed and professed by this league more than 100 years ago? And it is interesting to note, Mr. President, that while Great

Britain gave a limited approval to this league a few months after the declaration that I have read, and although England had an unwritten constitution, Great Britain did not believe that under their form of government and constitution they were at liberty to become parties to the league. Let me read the note of the British Prince Regent upon that subject:

As the forms of the British constitution * * * preclude me from acceding formally to this treaty in the shape in which it has been presented to me, I adopt this course of conveying to the august sovereigns who have signed it my entire concurrence in the principles they have laid down and in the declaration which they have set forth, of making the divine precepts of the Christian religion the invariable rule of their conduct in all their relations, social and political, and of cementing the union which ought ever to subsist between all Christian nations.

I do not for a moment, Mr. President, intimate that because that league was a failure this league will be a failure. Indeed, I hope that quite the contrary will be the case. I only refer to it for the purpose of reminding the Senate that this is not the first time that a league has been formed with the very highest ideals of which the human mind could conceive.

It would be interesting, Mr. President, to call attention to the various leagues to enforce peace that have had their rise and fall in the years that have gone, but I shall not take the time of the Senate to do so now. I hope that at this time a league of nations may be formed that will be more successful in preserving peace than others that have had their day. I shall gladly vote to ratify a treaty embodying a league having the fullest powers consistent with our own interests and our safety. If the proposed constitution shall be modified before it is finally presented to us for ratification, I hope to be able to support it.

I will conclude with one statement which will not be successfully challenged by any who are supporting the league.

If there had been a league of nations with this proposed constitution at the time of the Revolutionary War there never would have been a United States of America. There never would have been a Star-Spangled Banner. We would still have been one of the dominions of Great Britain, for France could not have come to our aid, and if Europe had not been at war England would have been free to crush our struggling little army in a few months.

If, following the Revolutionary War and before the Mexican War, a league of nations with this proposed constitution had been created, California, Colorado, New Mexico, and Arizona would still have been a part of Mexico, and we would have been bound to protect Mexico in her possessions. If, following the Mexican War and before the Spanish-American War, a league of nations had been created with this proposed constitution, Cuba and the Philippine Islands would still have been colonies of Spain. We could not have interfered in the Weyler butcheries in Cuba nor could the league of nations have done so. We entered that war with no selfish purpose. We declared war with Spain on behalf of humanity, and we gained liberty and self-government for millions of people. This proposed constitution would forever prevent us from doing a like service for mankind. A league of nations, yes; but the American people will not be for such a league as may prevent America from realizing her own ideals, achieving her own destiny, and enable her to serve the cause of liberty and mankind as to her may seem best.

Mr. President, greater than the President of the United States, greater than the Senate and the House of Representatives, is the American people. They are the only sovereigns in America. Their judgments, when deliberately formed, should be the sole guide of all those in authority.

They are discussing this matter to-day by every fireside, wherever men and women gather together. They are hungry for facts. They ask for details. They are not content with generalities. When their judgment is finally formed I am confident the response will be, "We are for a league of nations; but in the interest of America, in the interest of liberty, in the interest of mankind, the proposed constitution must be modified."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, announced that the House agrees to the amendments of the Senate numbered 2 and 3 to the bill (H. R. 15979) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1920, and for other purposes, and disagrees to the amendment of the Senate numbered 1.

The message also announced that the House had passed a bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 4610. An act to compensate Thomas G. Allen for injuries while employed in the General Land Office of the United States, and making an appropriation therefor;

H. R. 13274. An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes; and

H. R. 13462. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

HOUSE BILL REFERRED.

H. R. 16187. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution: On February 27, 1919:

S. 5058. An act to authorize the counties of Morton and Burleigh, in the State of North Dakota, to construct a bridge across the Missouri River near Bismarck, N. Dak.;

S. 5192. An act for the construction of a bridge across Rock River at or near South Jackson Street, in the city of Janesville, Wis.;

S. 5316. An act granting the consent of Congress to Wenatchee-Beebe Orchard Co. to construct a bridge across the Columbia River at or within four miles northerly from the town of Chelan Falls, in the State of Washington;

S. 5478. An act granting the consent of Congress to the Fall Branch Coal Co. to construct a bridge across the Tug River;

S. 5534. An act granting the consent of Congress to Oliver Cabana, jr., Myron S. Hall, E. G. Connette, William F. MacGlashan, John H. Bradley, and M. A. Hurt to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes; and

S. 5580. An act granting the consent of Congress to the counties of Martin and Bertie, in the State of North Carolina, to construct a bridge across the Roanoke River at or near Williamson, N. C.

On February 28, 1919:

S. J. Res. 107. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury.

PROPOSED LEAGUE OF NATIONS FOR PEACE.

Mr. FRELINGHUYSEN. Mr. President, I agree with the Senator from Wisconsin [Mr. LENROOT] in the statement that this is the most important question at this time before the country, and it is the duty of those men who represent the people to express their views upon this subject. The conditions as suggested in the proposal of the league of nations should not be imposed upon the people of this country until they have a full realization of what those conditions are and what they mean, and the men who represent their constituencies should not be criticized if, through honest criticism, they oppose the conditions of the league, because it is their duty, in my opinion, to state publicly their views. In my State I have been somewhat criticized because it has been stated that I am opposed to a league of nations.

I do not wish at this time, in the closing hours of the session, to take too much of the valuable time of the Senate in discussing this question, but in view of the fact that we shall shortly adjourn and it is doubtful whether an extra session will be soon called, which I fervently hoped might be very soon called, in order to dispose of the important questions before the country, I feel that it is my duty at this time to state very definitely my views upon this important question.

Mr. President, on November 11, 1918, the President of the United States announced to Congress in joint session the terms of the armistice accepted and signed by the German authorities and informed us that the war thereby came to an end.

On December 2, 1918, he again appeared before Congress in joint session and stated his intention of departing immediately for Europe. In the course of his address he said:

I welcome this occasion to announce my purpose to join in Paris the representatives of the Governments with which we have been associated in the war against the central empires for the purpose of discussing with them the main features of the treaty of peace.

The allied Governments have accepted the bases of peace which I outlined to the Congress on the 8th of January last, as the central empires also have, and very reasonably desire my personal counsel in their interpretation and application, and it is highly desirable that I should give it in order that the sincere desire of our Government to contribute without selfish purpose of any kind to settlements that will be of common benefit to all the nations concerned may be made fully manifest. The peace settlements which are now to be agreed upon are of transcendent importance both to us and to the rest of the world, and I know of no business or interest which should take precedence of them.

We hope, I believe, for the formal conclusion of the war by treaty by the time spring has come.

Spring has almost come, the President has returned, but without any treaty of peace, and, so far as I can gather, without any clear conception as to when there will be a treaty of peace.

More than three months have elapsed since the armistice was signed. Almost daily during that period I have been importuned, as I am sure every other Senator has been importuned, to know when our boys will all be returned. If I can believe the relatives of the boys themselves, they, too, desire to return and long for their homes, now that the actual fighting has ceased and time hangs heavily upon their hands. On all sides business men are clamoring for a return to peace conditions. Why a treaty of peace has not been concluded and when a treaty of peace is likely to be concluded are questions on which I have no more light than the average citizen.

When the President announced his departure for Europe he assured us:

I shall be in close touch with you and with affairs on this side of the water and you will know all that I do. At my request the French and English Governments have absolutely removed the censorship of cable news which until within a fortnight they had maintained, and there is now no censorship whatever exercised at this end, except upon attempted trade communications with enemy countries. I did so at the advice of the most experienced cable officials, and I hope that the results will justify my hope that the news of the next few months may pass with the utmost freedom and with the least possible delay from each side of the sea to the other.

Notwithstanding the promise made by the President that he would be in close touch with Congress and with affairs on this side of the water and that we would know all that he did, I am sure it is an open secret that the President never communicated any information to Congress during his absence of almost 12 weeks.

On the eve of his departure he told us, as above stated, that the allied governments accepted the bases of peace which he outlined on January 8, 1918. The first basis called for "open covenants of peace openly arrived at." Had that basis been followed and had the censorship of cable news been removed, as he assured us it would be, we could have learned through the press all that was taking place. Instead, however, of "open covenants of peace openly arrived at" we learn from the press that practically all negotiations take place in secret.

At the time of the departure of the President, December 4, 1918, I introduced the following resolution in the Senate:

Whereas the President has informed Congress that the bases of peace outlined by him on the 8th of January last have been accepted by the allied Governments and by the central empires, and that it is his duty to see that no false or mistaken interpretation is put upon them; and

Whereas the President has never stated his own interpretation of such bases and the same, particularly those relating to "A league of nations" and the "Freedom of the seas," are open to various interpretations, some of which may be in conflict with established national traditions; and

Whereas the President has announced that the various steps in the approaching negotiations abroad shall be promptly made known to the American people: Therefore be it

Resolved, That the President be, and he is hereby, respectfully requested to make publicly known his own interpretation of his proposed peace terms as presented to Congress January 8, 1918, and not attempt to impose such interpretation upon the international conference about to assemble until full opportunity is presented to the American public to become acquainted with the same, to the end that this Nation may not be committed to policies in contravention of the traditions of the United States; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to the President.

At the time of its introduction and by way of explanation I made the following statement:

"Mr. President, in his address to Congress of December 2 the President informed us that the bases of peace outlined by him to us on the 8th of January last have been accepted by the allied Governments and by the central empires, and by way of explanation of his trip to Europe he stated that it was his duty to see 'that no false or mistaken interpretation is put upon them.'

"In view of this explanation it requires no argument to show that various interpretations may be placed upon the bases of peace which he outlined. Some of the bases relate not merely to a settlement of the present war but to our relations in the future with all governments. Heretofore we have been guided by certain traditions. The immortal Washington, in his Fare-

well Address, gave certain advice, which we have religiously followed. He said:

"Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

"It may well be that conditions have so changed that we should no longer follow advice by which we have been guided for more than a century. As a representative of the people, it seems to me that we should not bind ourselves to a policy at variance with it unless certain that such is the will of the people.

"The fourteenth basis proposed by the President reads:

"A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.

"Does this basis mean that we will join with European nations in a guaranty of the political independence and territorial integrity of all States both great and small? Does it mean that to preserve such territorial integrity and political independence we will, in fulfillment of our guaranty, use, whenever necessary, our Army and Navy? Does it mean that henceforth we must take part in all political and territorial disputes throughout the world? We have among us many who came to our shores and the children of many who came to our shores because of the constant quarrels and jealousies of European nations and because of the fear that such quarrels and jealousies might any day involve them in war. I do not say that we should not do our utmost to prevent future wars. That I concede is our duty, but if we propose to obligate ourselves to use our Army and Navy whenever necessary in any part of the world to preserve peace we should be certain that we are conforming to the will of those whom we represent.

"The President is the chosen leader of the United States. Any proposal which he may make will naturally carry with it great weight. If he proposes in behalf of the United States the use of its Army and Navy to preserve the peace of the world, or if he assents to any such proposal if made by another nation, what position will the Senate be in should such a proposal be adopted? Constitutionally we will be free to exercise our own judgment and to accept or reject any treaty which the Executive may negotiate. Will we, however, be free from embarrassment should other nations say to us, 'Your Chief Executive spoke in behalf of the American public and supposedly voiced their views'? That brings me to the point of my motion. Is the President sure that his interpretation of the bases of peace is the interpretation of the American public? As he has never made known such interpretation, how can he be sure? Should he not, in all justice, before he makes any proposal on such momentous questions make known to the public what interpretation he places upon his fourteenth basis, and should he not afford the public an opportunity to voice its opinion?

"The fourteenth basis is not the only one which involves a comparison of our past traditions with what should be our policy in the future. During the Civil War in order to preserve the Union we found it necessary to insist upon and to exercise the right to condemn cargo owned by a neutral and shipped from one neutral port to another neutral port where it appeared that such cargo was ultimately intended for transshipment to the enemy. In Europe the doctrine of ultimate destination was disputed, but if that doctrine had not been practiced during the present war who will dare say what would have been the result? Certainly the prevention of supplies reaching Germany through neutral countries contributed in no small measure to her defeat. Can anyone here tell me what is the true interpretation of the second basis of peace outlined by the President in January last? It reads:

"Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

"If such had been the rule during the Civil War, could supplies have flowed uninterruptedly from Europe to the South by way of Mexico? If in force during the present war, could supplies have flowed uninterruptedly from North and South America to Germany through Holland? I confess that I do not know what is the true interpretation of the phrase 'absolute freedom of navigation upon the seas,' and as a representative of the people I respectfully suggest that if the President's interpretation involves a departure from our traditions he should not propound such interpretation as a proposal in behalf of the American public unless he is certain that the American public approves it. How can he be certain that the American public approves an interpretation which has never been made known to it?

"It is hardly necessary for me to call attention to any other basis of peace proposed by the President to illustrate my viewpoint. There has never been a time in our history which called for greater caution and wisdom. There has never been a time when the practice of pitiless publicity, so frequently advocated by the President, was more urgently required. The American public is a reading public, a thinking public. It does not hesitate and will not hesitate to express its opinion if afforded an opportunity. In my opinion the President should not in behalf of the American public make proposals which involve a radical departure unless he is certain that his proposal carries with it the approval of the people. Though we are not bound by any treaty which he may negotiate, still, in view of the fact that he was chosen by the people to the highest position in the country, other nations may not recognize that his proposals are subject to our review and may feel affronted should we differ from him. It is his duty as well as ours to act for the people; and, to avoid misunderstanding, it seems to me that the people should be told by him what is the interpretation which he places upon his bases of peace and should be advised to what extent he intends in their behalf to propose a policy which may involve an abandonment of our traditions. All I ask is that the public should be taken into the confidence of the President, that he should afford the public an opportunity to express its views, and, should it appear that there is a pronounced view upon any subject, that he will not run counter to it. It is for such reason that I have introduced my motion."

Mr. President, more than three months have passed since I suggested that the public should be taken into the confidence of the President and should be afforded an opportunity to express its views upon the bases of peace suggested by him, and particularly upon his proposed league of nations. Has the public been taken into the confidence of the President? It has to this extent: That a league of nations recommended by representatives of 14 powers has been presented to the world, and the President on the day of his arrival in Boston delivered an address. If I read that address correctly, the President resents criticism of the league of peace. He argued that we had fought not so much to defeat the Germans but to establish liberty throughout the world, and that now it was our duty henceforth to preserve liberty not merely in the United States but anywhere and everywhere. He sets up no simple task for ourselves and our posterity. His appeal, however—and I say it with all due respect—was to sentiment rather than to reason. It is rarely that the author of any project that will stand criticism and dissection resents either or resorts to threats against those who attempt to try either. Yet, if I read the Boston address correctly, anyone who dares to dissent from the league of nations is threatened with dire results. To avoid misunderstanding I will quote a few passages:

Any man who resists the present tides that run in the world will find himself thrown upon a shore so high and barren that it will seem as if he had been separated from his human kind forever.

He continued that it was our duty not only to sign a treaty of peace but also to combine with others to make it good and to give assurances to the people of the world "that they shall be safe." Without such combination and assurances he stated that a treaty of peace would be but "a modern scrap of paper," though I do not see any place in the address wherein he established that a paper league of nations might not also be but a modern scrap of paper. However, he proclaimed that any man who dared to think that America is not willing to combine to make good any treaty of peace which may be established and to give assurances to all people that they shall be safe did not know his country. He invites such men to test the sentiments of the country, urging that it is our duty to make men free everywhere, and that anyone unwilling to undertake such a task is provincial and that he for one is ready to measure swords with him. He said:

I have fighting blood in me, and it is sometimes a delight to let it have scope; but if it is a challenge on this occasion, it will be an indulgence.

What a change has the trip to Europe made! Only two years ago the President was elected to a second term of office. What was urged for his reelection? Was it not that he had kept us out of war? Can it be claimed of the President that he raised one finger to save Belgium or to save France or to save any of the oppressed peoples of Europe? Was he not criticized here at home because he was "too proud to fight," and did he not close his eyes to the fact that American rights were being trampled upon by Germany, and that we were scorned and dishonored? Did he not tell us that we should be neutral not only in fact but also in thought? Did he resort to war against Germany until men like Col. Roosevelt and other citizens insisted that the country had some honor, and that the

rights of our citizens must be safeguarded? Did he not in his address of February 26, 1917, advise merely "armed neutrality," explaining such act on the following April 2, when Germany had actually forced us into war, as follows:

I thought that it would suffice to assert our neutrality rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence.

He found armed neutrality insufficient to the protection of our rights, and he engaged in the war because Germany at the time was really waging war on us, and because public sentiment refused to close its eyes to that fact. Now the man who, in spite of bitter criticism and the fact that the honor of our country was at stake, refused to fight heaps maledictions on the heads of those who dare to question his plan to fight if necessary to make not our people but the people of the whole world safe, and who does not hesitate to say to those who question the wisdom of such a course that he has fighting blood in him, and that to now fight for the people of the whole world will be an indulgence.

This is surely remarkable language for a man who two years ago seemed to consider a fight for the protection of the rights of American citizens as a most bitter pill.

The world longs for peace. For centuries men have studied and discussed plans to prevent wars. So far no successful plan has been devised. I am willing to advocate any plan that will prevent wars. The President has my admiration and congratulations for the study which he has given to the subject and for his tireless efforts in that direction. I can not believe, however, that universal peace will come through any plan which its authors refuse to have the public carefully study, criticize, and understand before giving approval.

As a Senator of the United States, I feel that my duty is first to the people of the United States. To me it seems that the question is not whether the plan is better for, say, the Balkans, but whether it will be in harmony with the opening of our Constitution. As the opening clause of the Constitution is rarely referred to and seems to be ignored in discussion, I will read it:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Will this proposed plan secure "the blessings of liberty to ourselves and our posterity"? Will it insure domestic tranquillity? Will it promote the general welfare and common defense? These are questions which we must all consider, and we must not refrain from their consideration because of threats, no matter how or by whom made. We must perform our duty. We are all for universal peace, but primarily we are all for the United States. We should not make any change in our policies unless we are reasonably sure that such change will promote the interests of the United States.

It is with some surprise that I have read a statement of Mr. Taft, a man whom I greatly respect and admire, to the effect that he who objects to the proposed league of nations should suggest another remedy to prevent war or else hold his peace. Mr. Taft certainly has an advantage over me in that he has had legal training and unusual experience on the bench and at the bar. As a plain business man, however, in the conduct of my business I always believed and supposed that other men believed that when any of my associates or subordinates proposed a change in the manner of conducting our business that it was up to the person proposing the change to show why it should be made. I think the lawyers call it "the burden of proof." For more than a century we have pursued a certain policy. A change is now advocated. I confess I can not see why those who desire to look carefully into the change should be told that they must hold their peace unless they can propose a better change. Logically, it seems to me that those who are proposing the change must satisfy the people that it is to their interest to make it, and they should cheerfully welcome all questions and criticisms, so as to be afforded an opportunity to carry the burden and to demonstrate beyond doubt that we have reached the parting of the ways; that we must abandon our old policies and pursue a new course. In short, to my mind those who advocate a departure from the course outlined by the immortal Washington must show very clearly and convincingly that that proposed by Mr. Wilson, though as yet untried, is superior to that of Washington, which has stood the test of more than a century.

Neither the Senate nor the House of Representatives nor the people of the United States can be treated as school children nor even college undergraduates. The very first amendment to our Constitution provided for freedom of speech and of the press, and if there is one thing which citizens of the United States cherish it is the right to consider acts of their repre-

sentatives and to freely criticize them. Criticism does not necessarily mean hostility. We all want peace—peace not merely in the United States but peace throughout the world, because war in any part of the world has more or less effect upon every other part. If it is possible to have a league of nations which will substitute the pen for the sword, we most certainly want it. A league of nations is now proposed, and as a Member of the Senate I consider it not only my right but my duty to call attention to parts in it which I do not understand and to seek information which will enable me and those whom I represent to determine whether it should be adopted as it is; and if not, whether it is capable of amendment and in what respects. Light, however, upon it and some illustrations of how it may work are required. The Committee on Foreign Relations has had an opportunity to confer with the President, and from him I hope it has gained such light that it will be able to explain to us the meaning of certain clauses of the league which are not entirely clear and to illustrate to the public what may be expected to happen under it.

In the preamble of the league it is recited that it is adopted to promote international cooperation and to establish justice "and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another." Are we prepared to enter into a compact that all existing treaty obligations between any of the parties to the league must be scrupulously observed? Time and again have we heard the charge made that the bane of civilization is secret treaties. I can not find in the text of the league any provision that all treaties now existing between any of the parties to it must be laid on the table and exposed to the public view.

Mr. HITCHCOCK. I think the Senator will find such a provision in the articles of the league.

Mr. FRELINGHUYSEN. Will the Senator please point it out? I am anxious to have my questions answered, and I intend that these questions shall go into the Record; and before I make up my opinion on this league of nations I shall demand that those questions be answered. I will continue while the Senator is hunting for the provision.

I had hoped that henceforth there would be no secret treaties and that the people of each nation would know the compacts which their own nation and every other nation had made.

By article 23 of the league the contracting parties agree "that every treaty or international engagement entered into hereafter by any State member of the league shall be forthwith registered." Why limit the registration to treaties "hereafter" made? Perhaps the Senator can answer that. It is true that by article 25 the parties agree that all obligations in force "which are inconsistent with the terms" of the league shall be deemed abrogated. Who is to determine if they are inconsistent, and how is it to be determined if the treaties are not made public? In other words, it seems to me that the President is proposing a league which tacitly recognizes the existence of secret treaties and which does not require their publication. If it is logical to have future treaties registered, why is it not just as logical to have past treaties registered? Why should we enter into a compact where some of the parties to it may have obligations among themselves of which we know nothing, and from which we might shrink if we did know them. When the President was governor of the State of New Jersey and I was a member of the senate of that State, he advocated pitiless publicity. Let us have pitiless publicity upon all phases of any compact to which we are a party. May I therefore ask the Committee on Foreign Relations the following question?

Question 1. Is it true that if the league of nations as proposed is entered into, some of the parties to it can keep secret treaties made between them at any time prior to its adoption?

In article 2 it is provided that each of the contracting parties shall have one vote, while from article 7 I would infer that not only may a nation be a party to the league, but also its dominions and colonies. Does that mean that a nation with a number of colonies may have as many votes as it has colonies plus its own vote? It has been charged here that Great Britain will have five votes. We have all seen in the press long before the league of nations became public that Great Britain would not submit to any curtailment of its navy or to any interference with its rights on the sea. One of Mr. Wilson's 14 points called for absolute freedom of navigation upon the seas. I can not find any reference to that point in the proposed constitution of the league of nations. In the address which Mr. Wilson delivered in Boston the other day he calls attention to many new nations which will be set up in Europe, such as the Polish Nation, the Nation of Czecho-Slovaks, and the Nation of Jugo-Slavs. Many of our citizens never heard of the latter two nationalities until within the past year. No mention, however, is made in Mr. Wilson's address of the Irish. If Great

Britain has been forceful enough to keep out of the league of nations all reference to freedom of the seas, and if Mr. Wilson could not call attention to the organization of any nation for the Irish, what will Great Britain be able to do if it is true as is charged on the floor of this Senate that she will when the league of nations is organized have five votes? A reference to the Declaration of Independence will show that the Colonies on July 4, 1776, solemnly published and declared that all political connection between them and the State of Great Britain is and ought to be totally dissolved, and for seven years they waged war to dissolve it, and they did dissolve it. Are we now to enter into a compact whereby Great Britain will have five votes and we one? May I, therefore, ask the Committee on Foreign Relations the following question, and I will ask the reporter to mark it "Q. 2":

Question 2. Is it true that in the league of nations, if adopted in its present form, Great Britain will have more votes than the United States of America?

May I also ask:

Question 3. Is it possible that if the league of nations is adopted as proposed, people who were formerly subject to our enemies shall have the right of self-determination, but such right shall be denied to people who are subject to those who fought with us against our enemies?

In article 5 it is provided that the secretary general of the league shall be chosen by the executive council. May I ask the Committee on Foreign Relations the following question:

Question 4. If it can tell us if there is anything in the proposed league which will prevent some of the parties to it from uniting in an agreement before its adoption as to the personnel of the secretary general?

In article 8 it is provided that the executive council shall determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament, and that such limits when adopted shall not be exceeded without the permission of the executive council.

It is also provided that national armaments should be reduced to lowest point consistent with national safety, having special regard to the geographical situation and circumstances of each State. Inasmuch as we are protected by an ocean on the east and on the west, is it not possible that the executive council may conclude that we should reduce our military equipment and armament to a minimum, while Great Britain, because of its geographical position, should maintain supremacy on the sea and should also, because of proximity to the Continent of Europe, maintain a substantial military equipment and armament?

Question 5. Are the people of this country satisfied to have a council made up of representatives of governments the majority of which are of a form different from ours pass upon such a vital question as to the size of our Army and Navy? Perhaps the committee can give us some light on the subject, and I therefore ask them:

Question 6. To what extent will the United States part with its right to determine the size of its own Army and Navy should it enter into the league of nations as proposed?

In article 10 the parties agree to respect and preserve as against external aggression the territorial integrity and existing political independence of all the members of the league.

This article is one to which I have given much thought and study. I will refrain from expressing my views at length upon it until I am better informed as to just what it means. Let us assume that the league of nations had been adopted in 1775. Could France have come to the aid of the Colonies if she had obligated herself to respect the territorial integrity of Great Britain? Would she have exposed herself to attack by other parties of the league if she attempted to help the Colonies? Would she not by so doing have been guilty of external aggression against Great Britain?

Take our War with Mexico. If that clause had been in existence, would Texas have been a part of the United States? Would California be a part of the United States? Take our War with Spain. Could we have helped Cuba? Would Cuba now be a Republic? Would we even now be a Republic? Does this clause mean an end to the possibilities of people overthrowing their form of Government? Some of the nations who will be parties to the league will have colonies, just as we were a colony of Great Britain in 1776. If any colony, after the adoption of the league of nations, attempts to set up self-government, can it look for any help from people who enjoy self-government? Will not help be practically prohibited? May I therefore ask the Committee on Foreign Relations the following question:

Question 7. Assuming that a league of nations in the form proposed was in effect at the time of our Revolution could France have assisted us? Assuming that it was in effect at the time Texas became attached to the Union could Texas have become part of the Union? Assuming that it was in effect at the time of our War with Spain would Cuba now be free?

Articles 12, 13, 14, and 15 relate to the submission of disputes to arbitration. Article 13 seems to restrict the submission to such disputes as the parties to them consider suitable for submission, but article 12 provides that in no case shall there be resort to war without submission. Germany committed acts against us in 1915, 1916, and 1917 which were not suitable for arbitration. She committed acts which any self-respecting nation would resent by force. If in the future acts are committed against us which affect our honor, the lives and property of our citizens, must we refrain from war and submit same to arbitration? Are we obligated to allow such acts to continue during the pendency of the arbitration? Must we submit to continued insults for months until a decision is rendered? If the executive council passes upon a dispute to which we are a party and unanimously decides against us even though we are convinced that such unanimity is the result of a combination against us and even though the decision subjects us to a continuance of insults and an encroachment upon the rights of our citizens, must we submit to it or fight the whole league? If by force we resent some insult rather than submit the matter involved to arbitration it would seem under article 16 we would ipso facto be deemed to have committed an act of war against all other members of the league.

I am sure you all remember how frequently Mr. Roosevelt called attention to the fact that there were some matters which no self-respecting nation could submit to arbitration; that nations are like men, and that there are certain kinds of insults which no self-respecting nation or no man with red blood in his veins can delay resenting until some one else passes upon it. There are times when the honor of a nation or the honor of a man must be resented on the spot, and a nation or a man which does not resent certain kinds of insults the instant they occur is not worthy of being called a nation or a man. May I, therefore, ask the Committee on Foreign Relations the following question:

Question 8. Must all questions, irrespective of how they affect our honor or the lives and property of our citizens, be submitted to arbitration; and if so, is it not possible for the offending nation to continue the insult or invasion of our rights pending the arbitration?

Under article 10 and the articles relating to arbitration it is not clear to me what may be the result if two nations in South America should become involved in war. It seems possible that the league of nations might decide that one of them was guilty of violation of the constitution of the league, and that as a result all the other members of the league should make war upon it. Should such a decision be rendered and should war be made by all upon a nation of South America, that nation undoubtedly would be defeated. I see nothing in the terms of the league which would prevent some portion of the territory of the defeated nation being taken to compensate some or all the members of the league for their losses. In other words, I do not feel certain that it would not be possible under this league for European nations to secure some of the territory of a nation of South America or, say, even of Mexico and colonize it, contrary to the Monroe doctrine. May I, therefore, ask the Committee on Foreign Relations the following question:

Question 9. Is it not possible in the event of a war in which members of the league take part against an American nation for some or all of the members to insist upon and to secure part of the territory of an American nation as compensation and to colonize such part contrary to the Monroe doctrine?

In article 20 provision is made for the establishment of a permanent bureau of labor as part of the organization of the league. What the functions of such a bureau will be I do not know. How they will be determined is not clear. It occurs to me that perhaps its functions will be determined by the executive council or by the delegates of the parties to the league. We certainly will be in the minority. The conditions of labor in this country are better, I believe, than in any other part of the world, and it may be possible that labor in this country will run the risk of an attempt to pull down the standards which prevail here. I would therefore submit the following question to the Committee on Foreign Relations:

Question 10. What will be the functions of the permanent bureau of labor, and by whom and how will such functions be determined, and what effect may such bureau have upon the rights of labor in the United States?

A reading of the entire text makes me wonder what would have been the effect on our Civil War had such a league existed during that period. We all remember the attitude of England during the Civil War. Even Gladstone was hostile to the North, and his language at times led our minister to wonder if he should not depart. Had it not been for the attitude of Russia, England would probably have interfered in behalf of the South. If such a league were in force during the Civil War, and if Great Britain had, as charged on the floor of this Senate, five votes in the league, would the Union have been preserved—would slavery have been abolished? Perhaps our committee, after its discussion with our President, is in a position to answer the following question:

Question 11. What would have been the probable effect upon the controversy between the North and the South during the Civil War if the league of nations then existed and if, as charged, Great Britain would have five votes?

I suppose that we should read the proposed league in the light of the President's address in Boston on the 24th of this month. To illustrate what I have in mind, I quote the following from that address:

Do you believe in the aspirations of the Czecho-Slovaks and the Jugo-Slavs as I do? Do you know how many powers would be quick to pounce upon them if there were not the guaranties of the world behind their liberty?

Have you thought of the sufferings of Armenia? You poured out your money to help succor the Armenians after they suffered; now set your strength so that they shall never suffer again.

Reading the league in the light of such statements, I am led to the conclusion that it is the desire and intention of the President that this Nation with its Army and Navy should be prepared to protect Poland against aggression, to protect the Jugo-Slavs against aggression, to protect the Czecho-Slovaks against aggression, and to protect the Armenians against aggression. Is it possible that he intends that we should be ready with our Army and Navy to protect every nation in the world against aggression? Are we to be involved in every dispute, and must we be ready at all times to ship our soldiers overseas? Will the mothers of the United States sanction any such plan? Will the taxpayers of the United States be prepared to bear the expense? Are we to be the big brother of every nation? Are we to be the peacemaker of the world? I challenge anyone who reads the address of the President made in Boston to draw any other conclusion than that Europe to-day is a seething cauldron and that the nations will be at each other's throats within a generation unless we prevent it, and that none of the nations of Europe trust each other, but that all trust in us. Are we to join a partnership of that kind? Are we to join a partnership every member of which, excepting ourselves, is suspicious of every other member and ready at the first opportunity to pounce upon it? The rôle of peacemaker in such a combination is indeed one to be seriously considered. How often has it been said that the peacemaker, instead of promoting peace, has been torn to pieces? Far be it from me to think that Europe is as bad as the President paints it. Perhaps I have misinterpreted his meaning. I am willing, however, to have light, and I therefore ask the Committee on Foreign Relations the following question:

Question 12. If the United States joins in the league of nations, as proposed, must we be prepared with our Army and Navy at all times to protect every party to it? To bring home the thought which I have in mind I will, perhaps, be a little more specific.

Question 13. Assuming that an independent Poland is established, that Germany and Russia are restored, and that they unite in an attack upon Poland, must we be prepared with our Army and Navy to make war upon Germany and Russia?

The President has invited those who would question the league of nations to test the sentiment of this Nation. The views of our people not only should be ascertained but must be ascertained. All phases of the league should be discussed and considered. What we want is the decision of this Nation, based upon reflection and reason and not upon mere sentiment. Let us have free and open discussion. Let the public consider not merely the advantages of the proposed league but also the burdens. Let the public say whether it is satisfied with the league as proposed or, if not, whether it can be amended so as to be made satisfactory, and, if so, in what respects. The public looks forward to the day when war will be a thing of the past. If, owing to human imperfections, such a day may never come, we all wish to reduce wars in any event to a minimum. If the proposed league will accomplish that result, the public, no doubt, will favor it, but as the proposed league is at least to some extent visionary and experimental, the public, unless I am mistaken, will join with me in a search for light upon its meaning and for information about the burdens we will assume and

the possibilities which may ensue from its establishment. The President is sure the public approves it as it is and threatens with isolation upon a barren shore those of his fellow citizens who would question it, while for the Government of any foreign nation that dares oppose it he predicts that the people of such nation will rise in their might and overthrow such a Government.

Notwithstanding his threats, I dare ask for light to guide me to a decision of what is my duty to the people of the United States. With all due respect to the President I differ from his conclusion upon my duty. My duty is first to my own country. If I can be true to my own country and at the same time help the world I will do so.

Perhaps the President knows the heart and the mind of the American people better than I do. I can not, however, believe that the President can take pride in the fact that the war was won because of his inspiration, and he states that his views about the duty of this country are infallible and not open to criticism, and upbraids and threatens not only his fellow citizens but also foreign nations who question his views. I can not believe the President thoroughly understands the sentiment of his fellow citizens, and for one I prefer to ascertain that sentiment directly from our fellow citizens rather than to take it without question from him.

THE CENSUS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial Censuses.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---------------|-------------|--------------|-----------|
| Bankhead | Knox | Penrose | Smoot |
| Brandeggee | La Follette | Pittman | Spencer |
| Chamberlain | Lewis | Pomerene | Swanson |
| Fletcher | Lodge | Robinson | Trammell |
| France | McKellar | Shafroth | Underwood |
| Frelinghuysen | Martin, Va. | Sheppard | Vardaman |
| Gore | Moses | Simmons | Wadsworth |
| Harding | New | Smith, Ariz. | Warren |
| Hitchcock | Nugent | Smith, Ga. | Weeks |
| Jones, Wash. | Overman | Smith, S. C. | Wolcott |

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the roll of the absent Senators, and Mr. REED and Mr. STERLING answered to their names when called.

Mr. KENYON, Mr. MARTIN of Kentucky, Mr. SHERMAN, and Mr. CURTIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present.

Mr. SWANSON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. ASHURST, Mr. JONES of New Mexico, and Mr. HENDERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. FRANCE. Mr. President, I think it is advisable for the Senate to have a clear understanding of this proposed census legislation.

I submitted amendments to the census bill in November, which I considered to be of very great importance. They had been prepared after a considerable amount of investigation and work. They were presented to the Senate on the 21st of November last, and were referred to the Census Committee for action by that committee. The committee did not see fit to act favorably upon the amendments, and the bill was reported from the committee without the amendments being incorporated in it.

It was not until the 15th day of January that I had an opportunity of offering these amendments to the bill. At first they received very little consideration, but after some considerable debate the chairman of the committee, stating that he was impressed with the merit of the amendments, indicated that he would not oppose their adoption, and they were adopted by the Senate. The bill then went to conference. I appeared before the conference committee and explained the nature of these amendments to the committee. The conference committee

seemed to be favorably impressed, but finally decided to report the bill without the amendments being incorporated therein.

The conference report is now before the Senate. During my observations upon these amendments on January 15 and 16 I was very considerably heard by the Senate, and I was given a very courteous hearing by the conferees on the bill. During all the time the measure was before the Senate and before the conference committee there was to my knowledge no reasonable objection urged against the amendments, except possibly one. The only rational objection raised during the pendency of these amendments was the objection that a census conducted along these modern and scientific lines would involve too great an expenditure. The question of expense, however, is one which must be considered from every standpoint. In connection with every appropriation the question arises as to whether the proposed outlay is an expenditure or an investment. In my judgment an appropriation for the carrying out of a census as provided for in these amendments would not be an expenditure.

But it would rather be an investment of the most profitable character.

I wish, very briefly, to explain the nature of these amendments. They were designed to modernize the census. If adopted, they would have secured for us a census which would have some social value, some economic value, some value in making possible rational ameliorative legislation. My amendments called for a continuous survey of the population of the United States and of its activities. They provided for the substitution of what we all know as the continuous card-catalogue system for the old-fashioned one, which gathers statistics and then lays them away where they are of no assistance toward securing practical beneficial results. The amendments which I offered provided for the continual gathering of vital, social, and industrial statistics, without which statistics kept always up to date scientific precision and rational method in legislation are absolutely impossible.

During the course of my remarks upon this subject I desired to indicate that we had no accurate knowledge of the statistics on unemployment; that we had no accurate statistics concerning the growth of our population; that we had no accurate statistics on illiteracy, on school attendance, on school facilities; that we had no accurate statistics on the industrial accidents and diseases concerning which we legislate; that we had no accurate statistics as to how many persons are engaged at any one time in the productive industries. In short, under the present plan we make a survey every 10 years of the condition of the country. The results of that survey are published in ponderous volumes; but by the time those volumes are published the statistics are entirely out of date and are of no social value, of no practical value, as a basis for scientific legislation.

That contention is abundantly borne out by our experience at the beginning of this war. We entered this war without knowing what the population of the United States might be. We did not know how many men there were of military age. We did not know how many illiterates we had. We did not know how many disabled and diseased we had. We did not, in fact, have any definite information as to the character and condition and as to the extent and distribution of our population. Now, of course, when we came to realize this we substituted a census, so far as those of military age were concerned, which in a very close way resembles the census which I have in mind. We found it was absolutely necessary for us to have an actual record of our men of military age, of their number, of their condition of health, of their training; and Gen. Crowder instituted, after the war had been in progress for some time, this card-catalogue census system, applying it, of course, only to those of the military age.

This census was made late in the war. I might note in passing that as early as May, 1917, shortly after the outbreak of the war, I urged that a card catalogue census of all of those from 18 to 45 be taken; but instead of this census being made in May, 1917, it was made, I think, after August, 1918.

Of course, if it is desirable for us to know the character, the health, and the condition of all the population in time of war, it is also necessary for us to know these important facts about our population in times of peace. I regret very much that this whole problem of the census did not receive earlier consideration at the hands of the Senate. I am one of those who believe that you can not solve problems until you see them; and we are trying to solve great national problems without even knowing what they are. We are trying to solve the problem of stamping out tuberculosis without knowing accurately how extensive that disease is. We are trying to solve the problem of unemployment without knowing how many unemployed we have and who and where they are. We are trying to solve the problem

of combating the industrial diseases without having any systematic survey to give us information as to what those diseases are, and as to the particular industries which cause the various diseases. This in itself I have indicated is a very important question—this question of the extent and distribution of the various industrial diseases. I think it will occur to all of you that during this period of reconstruction particularly we ought to have a clear conception of what our reconstruction problems are. Why, this bill as it was sent down here from the department did not even have a provision for the separate enumeration of those who had served in the military forces and those who had been wounded during this war.

At this point Mr. FRANCE yielded the floor for the day.

Friday, February 28, 1919.

Mr. FRANCE. Mr. President, the unfinished business before the Senate is the conference report upon the census bill. I have already said, in connection with that measure, that it does not at all represent my views as to what a census bill should be. But, in view of the situation which confronts us, I do not feel justified in making any attempt to defeat that conference report or to so delay its passage that it might possibly fail of enactment in the very closing hours of this session.

Inasmuch, however, as the census bill is now the unfinished business before the Senate, I do not feel that the remarks which I desire to make at this time, and which I feel it is my duty to make, will endanger the passage of this measure in the least. Therefore I desire to submit some observations upon what I think is the great issue which confronts this Senate and which confronts the country at this time—the question as to whether there shall be an early extra session of the Congress. Some of the Senators on the other side have said that there seemed to be a disposition upon this side of the Chamber to delay legislative action. So far as I am concerned, my position on the question of an extra session is a matter of record, for yesterday I introduced a resolution dealing with it. I shall not move the immediate consideration of this resolution, as I do not desire to displace the unfinished business, but I do desire to call the attention of the Senate and, so far as I may, of the country to the wording of this resolution. I believe that if the press of the country would carry to the people the words of this resolution those words would have the unequivocal, almost unanimous, indorsement of the American people.

This is the resolution which I introduced yesterday, and of which I think some of the Senators may be in ignorance, as it was introduced while many other measures were pressing, and therefore it may have escaped the attention of some:

Whereas grave and pressing problems in connection with the reconstruction period now confront us, and there is apparent much unrest throughout the country, due to unemployment, illiteracy, ill health, poverty, the underproduction and faulty distribution of the commodities and necessities of life, high living costs, and other undesirable but in part remediable conditions created, aggravated, or new discovered by the war; and

Whereas the President, because of his prolonged absence from the seat of government and from the country, and because of his careful occupation with international problems, has not been afforded an opportunity to become fully informed of such problems and unsatisfactory and distressful conditions and the immediate and imperative need of remedial legislation to meet them: Therefore be it

Resolved, That it be the sense and judgment of the Senate that the situation is such as to make it seem desirable and advisable that an extra session of the Congress should be called for the 5th of March, 1919; and be it

Resolved further, That a copy of this resolution be respectfully submitted to the President for his consideration.

Is there a Senator on this floor who is so blind as he sits in his upholstered chair as not to know that these problems, as set forth in the preamble of this resolution, confront the country? Is there a Member of the Senate who does not believe that remedial legislation is immediately imperative?

Senators, we ought to face this issue; we ought to face it with the full realization that the responsibility for legislative action or for the failure to take legislative action in the face of a serious situation such as this, rests upon us and upon us alone.

I want to say that every Senator who believes that this preamble fairly sets forth the facts is under obligation, in my opinion, to either support this resolution and thus secure a formal affirmative expression of the sentiment of the Senate that there should be an extra session, or he should adopt whatever other legitimate means he can command to secure such an extra session of the Congress.

Mr. President, I know perfectly well that in such serious times as these there sometimes exists a timidity which tends to lead men to temporize or to evade. I know that men naturally shrink from being pilloried before the country. I know that some men fear persecution at the hands of the press, but we are in a situation, Senators, where timidity has no place; where the

fear even of misrepresentation by a reactionary press should not weigh with us.

There are timid men, of course, in every legislative body; that is to be expected.

Some of the Members of this Congress may not have always had the courage which they should have. I do not blame the average man who is a Member of Congress from fearing at times to stand before the withering flame of the cruel criticism of the man whose voice is heard, either the man of the newspaper or the man in such a position that his voice can be heard over the land—the unkind critic here, there, everywhere; but, I say that if there is a Member of this Congress—and I hope there is not—who sat in his seat and voted to send out our boys over the seas to face the destructive fire of the German guns, and who, after casting that vote, ever hesitates here to vote his honest convictions because he is afraid of some one's criticism, I say that man had better tear up his commission and go home. He is not qualified to sit in any of the legislative halls of this Republic.

Mr. President, in my discussion of the espionage law—and I shall advert to that before I am through with these remarks—I took occasion to quote from Samuel Adams, who said:

Truth loves an appeal to the common sense of mankind. Your unperverted understandings can best determine on subjects of a practical nature. The positions and plans which are said to be above the comprehension of the multitude may always be suspected to be visionary and fruitless. He who made all men hath made the truths necessary to human happiness obvious to all.

I desire to say if we do not understand the situation of the country, if we do not see the need for an extra session of the Congress, the masses of the people, those with "unperverted understandings," those who are out where they know what the conditions are, because many of them are suffering from them—they know, if we do not, that an extra session of the Congress is necessary.

Is there a Senator on this floor who believes that we can, before this Congress finally adjourns, give careful, painstaking consideration to the measures which must be passed if there is to be no extra session? You either think that this jamming of bills through without study is the way to conduct the business of this Republic or you do not; you either think that it is proper for you to vote blindly the judgment of the committee or you do not think so. If you think that the committee method of legislating is a proper and constitutional method, you are excused for cooperating in jamming and crowding these bills through; but if you, as Senators, believe that it is the duty of the Members of this body to examine and study bills before they vote upon them and to reach a sane and independent judgment, then you should be standing here with me fighting for an early extra session of the Congress.

I wish to say that if there is anyone here who does believe that this forced method of legislating is the proper one; if there is any Member of this body who approves of this way of conducting the public business he will not remain here long, because, however much some of the Members of the Senate may approve of doing business in this unconstitutional way, and however much the subtleties of their reasoning may convince them that they are fulfilling their constitutional duties when they so legislate without due deliberation the American people, the men with the "unperverted understanding," the men who rise with the sun and go out singing to follow the plow through the fertile furrows, know that this is not the proper way to legislate.

For a long time the people have been very restless under a system by which a few men on a committee can bring in almost any bill and have it passed, or, what is far worse, by which is possible the killing by a committee of legislation which the people want, which they have a right to ask, and which they have sent men here to enact for them. I want to say that this vicious, un-American system of legislating has reached the high-water mark during the last six years.

It would be a compliment to this body to say that we have of late accepted the judgment of our committees; that we have only accepted the finding of our fellow Senators who in committee have given serious, unprejudiced, honest consideration to measures, and then have recommended them to us. It would be a compliment to the Democratic Party if I could say that you had followed that method. There is not a man on that side of the Chamber who does not know that we have not even relied upon the committee system, certainly during the last months, because even the committees have often not functioned; even the committees have frequently failed to study the legislation, which has been really passed upon in the bureaus, written, Senators, as you know, sometimes by men who did not only not know the language of the law, but who did not seem even to know the grammar of the tongue of the country,

My name was one of a few sent out broadcast as one of the traitors to the country because I voted against the food control bill, which I believe to be utterly unsound, which was, after it had been studied, pronounced unsound by some of the leading political economists of the country, and which subsequent events have proven to be unsound, because last night we had to pass a bill carrying a billion dollars to pay a further penalty in money, as we had previously paid it in many other forms for this unscientific legislation. That food control bill, when it came down here, had this clause in it, which, I think, I remember clearly: "Hereafter it shall be illegal for prices to fluctuate"—not for men to cause prices to fluctuate. The prices themselves were to be made the criminals. It provided that if prices fluctuated, they would be guilty of a crime.

The American people know that legislation without deliberation is dangerous. They know when we accept a command to jam legislation through the legislative bodies of this Republic without giving that legislation due and proper consideration, that we have violated the sacred oaths which we took when we became Members of this body. And let me tell you, Senators, that the judgment of the masses is safer than the judgment of a man. If it be not so, then the doctrine which was advanced on the other side of this Chamber—that in war republics are weak, and that in times of stress democracies can not defend themselves, and that the rule of the one, that autocracy alone, can be efficient—is true. But that doctrine is not true. That doctrine is proved false by every fact of history. There was but one Government in all the world at the opening of this war which was a despotism; and when I talk of forms of government I attempt to speak with some degree of accuracy. I do not call limited monarchies republics or democracies, although I am not a constitutional lawyer. I do not call constitutional governments despotisms, however despotically they may operate. The fact remains that there was but one despotism at the opening of this war, and that was Russia. I do not think that those who contended on the other side of the Chamber for one-man power were prepared at that time, or that they have been prepared since, to argue that this one despotism was the most efficient government for war. I do not think that the members of the various committees who have been looking over the situation, but superficially, it is true, to see what has been done with the money which we have appropriated in such vast sums are disposed now to contend that one-man power, that a government ruled by the one, is more efficient than the government ruled by the many. I do not think that there are many in this Chamber who are prepared to say that there is more wisdom residing in the mind of any one man than in the minds of all—the minds of all, the common mind, the mind made up after that free interchange of opinion, which we have denied the American people during the recent months—the common mind, which, when allowed to operate unhampered, is the nearest approach we have to the wisdom of the infinite intelligence.

Do you wish to be pilloried with me, because I have introduced a resolution which shall, if passed, convey to the President that it is the sense of this body that there shall be an early extra session of this Congress? Or do you prefer to violate your constitutional oaths by being obedient and jamming through legislation, voting for measures the very language of which you have never read? You must obey a man or the mandates of our fundamental law. There is no alternative.

I choose to be pilloried, because I can do nothing else. I deserve no credit for it. I merely happen to be so constituted that when I take an oath I have to keep it as best I can, even though some man may try to persecute me on the pages of a reactionary and subservient press.

Let me say that this question of the press has not been settled yet, either. When a press becomes so subservient that it learns to obey the mandates of bureaucrats, I say that the time is fast approaching when something should be done to make it obey the mandates of the people and to carry the truth, whether the truth be complimentary to an administration or whether it be not.

I do not wish, as I told the Senator in charge, to kill the census bill. I did feel that now, at last, the time had come when our great census should be modernized, so that it would really be a social survey, investigating actual conditions throughout the country, and reporting and keeping up-to-date reports as to what the problems for the legislative body were, but I was in the minority. The time had not come. The party of progress and liberalism was not in power to pass so good a law. It was not to be.

The committee decided, when it rejected those amendments, that it did not care to adopt scientific methods to find out what

unemployment there was, what poverty there was, what illiteracy there was, what ill health there was.

I think I showed conclusively that already we had the agencies for finding out those facts, but agencies which, because of the multiplicity and complexity of their character and methods, could not give us the desired results. I stated that, in the aggregate, considering the State, county, and municipal expenditure and the expenditure on the part of the Federal Government necessary to unify all of these agencies, that the cost would be less if we should adopt a scientific census. But the argument was made that it would cost the Federal Government too much.

After I was told that it would cost too much for this Republic to know as much about the condition of its citizens as the commercial insurance companies know about their insured, some of my very good friends on the other side—and they are my very good friends, and I excuse them because of the political necessities—put giant hoops upon a huge new pork barrel, which may not be any twenty-five or fifty million dollar pork barrel in the future, but perhaps a billion-dollar post-road pork barrel; and with scarcely any delay they passed a road amendment to the Post Office bill, which carried at least three times the amount which it would have been necessary to spend to know the actual condition and the needs of the people of this Republic.

Of course, I know that I was confronted with the constitutional argument that it was not for the Federal Government to know these facts, which was tantamount to arguing that a census, instead of being effective, ought to be ineffective, because all I was asking, as I said last evening, was that common-sense methods be put into a senseless census.

I have said something in condemnation of the committee system as it is now employed. I stated that only by the blind acceptance of the findings of our committees could we pass in the short time remaining even a few of the important measures which we have before us. I said that this system as it sometimes operates is an evil one, because it enables committees to rush through legislation without the fair judgment of the Senate upon it and because it enables committees to suppress legislation in committee which should be acted upon by the Senate. I indicated that this deplorable system had reached its highest development during the last six years, and particularly during the last few months.

The Senator from Pennsylvania [Mr. Knox] had his qualifications as a statesman examined and passed upon many times before he was finally returned by his great Commonwealth to represent her once more, in part, in this body; and the American people who knew his name and of his world-wide reputation as an authority on international questions rejoiced when they learned that the great Commonwealth of Pennsylvania had returned him, a man prominent as a lawyer, experienced as a diplomat; a man who had been preeminent as Secretary of State; a man whose judgment was so sorely needed by the Nation in this crisis, to the Senate of the United States.

On the 3d day of last December the Senator from Pennsylvania [Mr. Knox] introduced here a resolution which, in my judgment, contained the proper solution for the international question, so far as the resolution went; and I think that because of his experience in diplomatic affairs the Senator from Pennsylvania, after deliberation, did not think it best to go any further at that time. It was a rational solution; it was a solution which would have met the world situation which the Senator knew existed. That is my judgment. It may not be the judgment of all, and it probably is not. But I say that when the Senator from the great Commonwealth of Pennsylvania, Mr. PHILANDER C. KNOX, on the 3d day of December last, introduced a resolution bearing upon the international situation, courtesy to that Senator, respect for the great Commonwealth which he represents, a due consideration for the proper interests of the Republic, all demanded that the resolution should receive immediate and careful consideration by the Committee on Foreign Relations.

You know the history of that resolution. Explain it how you will, the fact remains that this resolution to-day lies neglected on the files of the Committee on Foreign Relations. It has never been reported. I do not wish to do the committee any injustice, but it is my opinion that the resolution was never even seriously considered by the Committee on Foreign Relations. If the chairman of that committee, for whom I have the highest regard, were here he could correct me if I am in error; but as a result of what I have seen since I have been a Member of this body I do not believe the whole Foreign Relations Committee ever sat and seriously and earnestly, with a view to action, considered that resolution.

If this resolution had been adopted and its recommendations heeded, I believe the great Republic would to-day be at peace with her enemies, that our armies would be moving rapidly homeward, that our country would be going on swiftly toward her rehabilitation, and that the reconstruction of the world would also have started on, and certainly all this might have been far advanced. I want to tell the Members on the majority side that, however much the ten thousands of tongues of a subservient press may clamor an excuse as the newspapers bow in obedience to the mandates of a bureaucrat in the Post Office Department, the American people know in their hearts that this method of killing important legislation is not the proper way to conduct the business of this Republic. Any man who thinks it is, and who may try to pillory me because I know it is not, will attempt in vain to convince the people that this sort of a committee system is a proper one by which the public's business should be done. You may seek to explain and extenuate it in very many ways. Sophistry is a very subtle thing. It is very agile, supple, and acrobatic.

But I tell you that the voting from power last November of the party which is named Democrat was no accident, for that party had ceased to observe its noble traditions and its cherished doctrines. Not Washington and Hamilton and the great Federalists only, but Jefferson, the great Democrat, seem to have been forgotten by your present leaders. The doctrines of Jefferson were first repudiated as being out of date, and then you reached the altitudes of wisdom from which you dared to intimate that the words of Washington in that matchless message of farewell, spoken as he launched a new-created Nation down the swelling tides of time, are no longer applicable to these changed conditions. With how few regrets and with how little of true reverence do some make vain attempt to wrap the noble figures of these two unequalled statesmen in the vast winding sheet of oblivion, while consigning their inspired teachings to the junk heap with all the useless and outgrown political theories of the past.

It is, however, the very nature of words of inspiration that they are launched full freighted with eternal truth, that they carry within them a deep significance which may not at the time they are spoken be full apparent, and that amid all the seeming change of outward circumstance they find their universal application. You may yet encounter that quality of inspired words and changeless and eternal truth before our situation is entirely cured.

I do not wish to defeat the census bill. I told the chairman of that committee, however, that I could not promise to indefinitely delay my observations upon what I consider to be the condition of the country at this time simply because he could not, even by most earnest endeavor, get the census bill before the Senate. I did feel obliged to discuss, and to discuss at some length, the question which I did not have an opportunity to discuss while that bill was pending in the Senate—the subject of national reconstruction—and I did feel that, in view of this disposition to rush legislation through and to bring this session to a close, I should now at least express my opinion as to the propriety of such a method of procedure. I hope I have registered my protest against such a program. I hope I have convinced you that at no man's order will I become particeps criminis in such a plan.

I referred to the holding in committee of the resolution of the Senator from Pennsylvania dealing with the foreign situation. I find fault with that. Perhaps it was to be expected that the plan which I suggested, embodied in a resolution which was introduced early in January, should not be considered. I shall not complain of that. I thought then and I still think that a compromise between what I had in mind, what the Senator from Pennsylvania had in mind—and he should be first and foremost—and the views which some Members on this side of the Chamber had in mind to express when those measures should be reported would have been proper and helpful. I do think these two resolutions were entitled, at least out of courtesy, to an examination and to a report by the Committee on Foreign Relations, even although that committee had deliberately decided to abdicate its important function as a part of this advisory body in the making of treaties. I do feel that, even though that committee had deliberately decided to abdicate its function, it might at least have paid the great Senator from Pennsylvania [Mr. Knox] and my very humble self the compliment of noticing the resolutions referred to it upon our motions.

The members of that committee know that I say this in no unkindness. They are my friends, many of them, I hope all of them; but it is my duty to call attention to the error. I have

said to my other friends in the Senate, as I now say to my friends upon that committee, that we begin to tread a dangerous path when we move toward the Senate's abdication of its functions.

I want to advert to one other thing, and here perhaps I am in a hopeless minority, perhaps a minority of one. Perhaps I am in that minority because my understanding has been "unperverted" by legal learning; and I say that with all due respect for the law—the law, which is the "perfection of reason"; the law, the study of which develops such minds as have some of the learned who do me the courtesy now to listen to me. Perhaps I am in the minority because I have not a legal mind and because I do not know how to wind in and out amid precedent and phrase with the skill, the agility, and the subtlety which would enable me to show that the plain, simple, accurate, grammatical language of the Constitution does not mean what it seems to say.

It is not necessary for me to read to the Senate of the United States the first amendment to the Constitution of the Republic. Perhaps there are some who have forgotten it. I hope some did forget it or that it is true that my lack of legal learning leaves me shut away from some light which guided others when they started down the long and dangerous way of passing legislation which could be used to deny the people of the United States the right to freely and fearlessly discuss, not the President's affairs, not the affairs of the Senate, not the affairs of the House of Representatives, but their own governmental business.

You may fail to distinguish monarchies and despotisms and disorganized democracies from this matchless free Republic, but loose and inaccurate language does not change the fact, and in a republic, let me remind you, the President is not the sovereign. This is not a sovereign Senate; over yonder is not a sovereign House of Representatives. The sovereigns lie out yonder—100,000,000 of them. We are a Senate representing sovereign States, which are in turn mere creations of a sovereign people.

You may try to stand the Republic upside down; you may attempt to balance the pyramid upon its apex in your dreams; but the fathers built not a tottering and unstable structure balanced upon its point, with all of the weight and power above. They built an everlasting pyramid of government, and in that government, try to pervert it or to subvert it as you will, the fact remains that the people are yet sovereign. When that people declared in language which I understood, in language which prevented me from voting for the espionage act—when they declared as they adopted the Constitution of this Republic:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances—

The sovereign people spoke, and through all the years that sovereign has been speaking with a mandate which you can not sit here and disobey unless you either violate your oaths or explain away that language by some legal subtlety. I could not explain it away, and therefore I voted against the espionage act. I have never regretted that vote. I was in the minority, but I am happy that on that occasion I was in the minority with Jefferson; I was in the minority with Hamilton; and I rest content, even though some of the reactionary papers tried to persecute me, some of the very papers the editorials of which I have been several times tempted to introduce here as examples of the violation of that act by those who did not need to fear the punishment, editorials calculated to bring into contempt representative government.

I have here an editorial from a paper which once attacked me because I opposed the enactment of the espionage law, that editorial being headed "Why the Senate?" asking that question as it joined in the then popular outcry raised by those who sought for selfish ends to discredit popular government and popular sovereignty. That paper was safe; it knew well where to place its adulations; it knew well where to fawn and praise; it knew when to be brave, when to criticize, and when to condemn. The Postmaster General has not yet excluded that paper out from the mails.

I did not vote for the espionage law. I thought it unconstitutional; I thought it far beyond the delegated powers of Congress to enact a statute which should in its effect say to this sovereign people, to the people of this great Republic, "We are at war now; be still; in war this is not the people's government; this Government belongs to Washington, and we can run it without your advice."

I desire to hear the voice of the people. If I can ever merit it, I want to hear its word of encouragement; but, more than that, I ask to hear its condemnation; I am willing when I dis-

obey its mandates to feel the burning lash of punishment. I believed the espionage law was an unconstitutional act. I did not blame those who voted for it. I must believe that they did so because of some legal knowledge which threw a different light upon the simple words of the Constitution, which seemed to forbid me to vote for the measure. I thought it was a dangerous measure. I have already said in allusion to this question, and I must refer to it once more, that I thought it was dangerous, because the language of it was so broad, that it would make possible persecution and unjust prosecution. To avoid this danger I tried to have written into the law this language: "That nothing in this act shall be construed as limiting the liberty or inhibiting the right of the individual citizen to speak what is true, from good motives, and for justifiable ends."

I have in my hand a report of the Attorney General of the United States, which refers to what happened during the pendency of my amendment. I shall not characterize this part of that report, a report issued by the Department of Justice to the American people to inform the American people as to the operations of that Department of Justice, as misleading or false, but I wish to call your attention to it.

I have stated that the amendment which I offered was in essence this—that it would have allowed the truth of any statement to be offered as a defense in case of an attempted punishment for words. A man called before that Department of Justice could say, "But it was true, and I thought it was my duty to tell the truth." This is what the department reports concerning that incident:

In the course of the pendency of these amendments it was proposed to incorporate a provision under which antiwar utterances or propaganda would not be punishable if made with good motives and for justifiable ends.

That was presumably written by a lawyer, and a lawyer knows that the best defense in a libel case is the proof of the truth of the statement, and the Department of Justice knew that the essential feature of my amendment was that it allowed the truth of a statement to be offered in evidence. And yet, in its official report to the American people of that incident, it merely states:

Would not be punishable if made with good motives and for justifiable ends.

And further—

The experience of this department has shown that some of the most dangerous types of propaganda were either made from good motives or else that the traitorous motive was not provable.

The department realized that the proposed clause would, in effect, destroy the value of the espionage act as a weapon against propaganda. And upon this representation Congress enacted this statute without this proviso.

That is a very interesting thing to have in the RECORD. Here is a Department of Justice that wanted to have the privilege of prosecuting people who even told the truth, and the RECORD will show, if you compare the language of my amendment and the language of the Department of Justice as it records the incident, whether or not the Department of Justice told the whole truth about this incident.

I contended that the language of this act, as we passed it, was so broad as to make possible unjust prosecutions. Constitutional lawyers on the other side contended that it was not so, and that there would be no difficulty whatever in placing a clear and definite construction upon the language of the statute. Sometimes, if a man waits long enough, his judgment may find vindication, and this is what the Department of Justice states in its report about the language of this statute:

The unusually broad language of the espionage act has given rise to differing and conflicting interpretations at the hands of United States attorneys and United States commissioners in different parts of the country, resulting in serious confusion as to what authoritative definition is to be placed upon certain clauses of this act.

I shall not burden you with telling you the whole story, which is, in short, this—that the language was found by the department to be so broad and subject to such "conflicting interpretations," that the Department of Justice had to send out notices to all of the United States district attorneys not to prosecute any cases until the cases had first been submitted to the Attorney General for him to determine whether or not, in his judgment, the party using the language had violated the law.

Senators, do you realize what it means for the legislative body of a great, free Republic to pass a law making speech a crime, a law which enables a Government to throw men into prison for words, by a statute so broad that it rests in the discretion of one man to say whether or not the speaking or writing of those particular words constituted a crime?

We did not have much time to tell the American people about this at the last election. Our congressional candidates on the Republican ticket were not discussing such issues. While many

of them desired to come back here to serve the Republic in its hour of trial, I do not think many of them were thinking much about the great issues of the campaign. They were trying to sell liberty bonds. There was no extended political campaign; but that great public mind out there sensed something. The people had not been told by the campaign speakers of all the facts. The people had not been told all the truth by the papers; not all the truth and nothing but the truth. The American people will know about these facts later. There is a campaign coming, and before the next presidential campaign the American people will get the whole truth. They had information enough, however, to cause them to throw from power the Democratic organization which had passed this autocratic law. Under this espionage act, susceptible of so many differing interpretations, many must have been prosecuted and imprisoned for words spoken without malice or evil intent, while many were no doubt prevented from speaking the truth, which it was their duty to speak, because of a fear that they might by some chance fall under the ban of such an elastic, despotic, and arbitrary statute.

Early in last January I introduced a bill to repeal this law, but this bill was not reported from the committee. It never was even perhaps considered by the committee. That committee is a committee made up of experienced men. I do not say that the bill should have been reported and passed, although I think it should have been; but I say that under the proper functioning of the committee system that bill should have been reported and voted upon, so that the American people might know the men who in time of peace would keep in force a statute which can deny the people the right to discuss their own governmental affairs. I had a right to have my recorded vote show that I was for restoring to the American people the right to speak, that I was for allowing them to exercise their constitutional right to assemble and to petition for the redress of their grievances. I had a right, and my friends on this side of the Chamber had a right, to have a record vote upon that bill.

A distinguished member of that committee, a man learned in constitutional law, a man who reveres the Constitution of this Republic, a man who is my friend, and who, I hope, respects my judgment even when he differs with me, and whose judgment I respect even when we disagree, thought that I was mistaken and that I should not urge the repeal of the espionage law. I said to him recently, in effect, "Senator, we face a serious situation. We have enacted a drastic law with language so broad as presumably to prevent sedition and the stirring up by agitators of social unrest; but the unrest is here. What shall we do now?"

"We have seen in this Chamber the mass of literature written by the Reds, Bolshevik literature, anarchistic literature, socialistic literature, and we know magazines are springing up everywhere, preaching change or revolution." He said, "The situation is serious, I know." I replied, "There is one of two courses to follow. You must either go forward or you must go back. You must enact more drastic, more despotic, more repressive legislation, and then more and more; you must club more, throw more into prison, be more brutal in your methods, or you must go back; repeal the present law, and trust the people."

My policy was to go back. I was willing to take the responsibility of going back to a system which would allow the people to fearlessly speak and freely assemble. I trust the popular will and judgment. I know the masses of our people believe in the Republic as it was intended to be, and I believe that they will preserve it. I know that if you permit them to speak freely that there will be some discordant notes, some voices anarchistic, socialistic, destructive; but on the whole, if you let them speak, I believe they will in the end speak their love for the Republic.

My bill to repeal was never reported, but it was not many more days before a policy was decided upon, not many days before from the Judiciary Committee there was reported the so-called red-flag bill, making it a crime to raise the red flag on the soil of this Republic, and further curtailing the right of free speech.

Oh, Senators, that we should have lived to see the day when any Member of the Senate of this Republic should think it necessary to pass a law making it a crime to raise the red flag in the place of our country's flag. Senators, something is radically wrong. Senators, we must search our hearts and search our records to see if perchance when we were following not the dictates of our conscience but the dictates of a bureaucrat in the Department of Justice we did not fall into the pit; search our hearts and search our records, to see if we are not possibly responsible for the condition which has led to the wearing of the red flag in some American hearts.

This is the question: If that red flag is in the hearts of some of the American people, has the Government, by its mistakes, planted it there? I do not believe it is in many hearts. I do not believe that it will often wave if we repeal this espionage law.

The red flag is a revolutionary flag, a protest against evil conditions. It is needed in some countries. It is not needed here because the red, white, and blue flag is our revolutionary flag. We have had our revolution. We rid ourselves in that revolution forever of the conditions against which the red flag must ever be a protest.

Senators, why is it that any man on American soil should wear a red flag in his heart or wish to fly it in place of the Stars and Stripes? Are we in any way to blame? We are certainly at fault because we have not properly educated some of our people in a knowledge of our institutions. I am referring to the aliens who have not been by proper education assimilated. We are to blame because when this whole question of limiting the freedom of speech was before us we did not seek to be guided by the lamp of experience.

Mr. KING. Will the Senator yield for just a moment?

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Will the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. I yield with pleasure.

Mr. KING. In the interests of accuracy, and I know the Senator desires to be accurate, I wish to invite his attention to the bill which the Judiciary Committee did report a few days ago.

Mr. FRANCE. I shall be very glad to have the exact language. Of course, I am discussing merely the general principle; I am not discussing the exact language of the measure, because I did not happen to have it right at my hand, but I shall be very happy to have it read into the Record.

Mr. KING. The bill was introduced by the Senator from Indiana [Mr. New] making the display of a red flag under certain circumstances an offense. That bill, together with the bill which was introduced by the Senator from Washington, was referred to the Judiciary Committee, and the part with reference to the flag, as it came from the Judiciary Committee and which constitutes section 2 of the bill as reported by the Judiciary Committee on the 15th day of this month, reads as follows:

Sec. 2. That the display or exhibition at any meeting, gathering, or parade, public or private, of any flag, banner, or emblem, symbolizing, or intended by the person or persons displaying or exhibiting the same to symbolize, a purpose to overthrow, by force or violence, or by physical injury to person or property, or by the general cessation of industry, the Government of the United States or all government, is hereby declared to be unlawful.

I should like to state to the Senator that a further amendment was offered which strikes from the proposed bill submitted by the Judiciary Committee the words "or by the general cessation of industry." In view of the fact that the Senator stated that the Judiciary Committee had reported a red-flag bill, I wanted, in the interest of accuracy, that the Senate should be advised of the exact words of the bill bearing upon that subject which was reported by that committee.

Mr. FRANCE. I will say to the Senator that I am pleased to have the language of the measure read into the Record. Of course, we all know that the flag of anarchy is the red flag.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Maryland yield to the Senator from Ohio?

Mr. FRANCE. I yield.

Mr. POMERENE. In connection with the question which was asked by the Senator from Utah [Mr. KING], I desire, if I may, to call the Senator's attention to two or three paragraphs, which I will, with his permission, read.

Mr. FRANCE. Mr. President, may I yield to the Senator from Ohio without losing the floor, as he desires to make some remarks?

Mr. POMERENE. I do not wish to take the Senator off his feet.

Mr. FRANCE. I yield, with the understanding that I do not lose the floor.

Mr. POMERENE. Mr. President, the Senator referred a moment ago also to a bill he had introduced for the repeal of the espionage law. I want to read an extract from a letter which I received the other day from a very prominent citizen of Cleveland, Ohio, in which this paragraph occurred:

Revolution is being talked constantly and the workmen of this city are being fanned into a flame for it. Yesterday an automobile truck paraded through the workshop district with life and drum corps playing loudly and calling the attention of the workmen to the coming revolution and inviting them to attend a meeting to be held last night.

This letter is dated February 22. The writer sent to me certain literature which was spread broadcast in the city in anticipation of this meeting. A closing paragraph of one circular reads as follows:

War is the natural outcome of the present economic system, and as long as private property in production continues there will continue to be wars. War is the capitalist method for ending unemployment. But at the end of each war the unemployment becomes worse.

However, there is another method of ending unemployment, wars, and all the other ills of society. This method is the method of the rising working class—revolution.

Workers and soldiers, you must revolt and take everything for your own use instead of having somebody make profits out of you and having the power to dictate to you what you shall do and what you can not do.

There are only two courses open to you—another war or revolution. Which will you choose?

Allow me to read another paragraph from another speech which was circulated as a part of this propaganda:

Labor produces all wealth. Labor is therefore entitled to all wealth. We are going to do away with capitalism by taking possession of the land and the machinery of production. We don't intend to buy them, either. The capitalist class took them because it had the power to control the muscle and brain of the working class in industry. Organized, we, the working class, will have the power. With that power we will take back that which has been stolen from us.

When propaganda of this kind is being circulated, does not the Senator think that, instead of repealing the espionage laws, there should be some additional legislation to meet this particular situation?

Mr. FRANCE. I thank the Senator from introducing into the RECORD some concrete evidences of the very condition of which I have been speaking. I have been discussing the question whether it is better to go forward and enact more drastic legislation or to go back, repeal, and trust the people. We live in a Republic which is a constitutional Republic; we have laws which make violence a crime, which make murder a crime, which make riot a crime. All of those acts were crimes before this war. They will be crimes after the repeal of the espionage law.

I have been trying to say, regardless of how the situation has been created, that it is here, and that you must enact more drastic legislation or you must go back to the Constitution, go back to the principles of the Republic, and let men speak their views, trusting the love and loyalty and sanity of our people.

I quoted the other day, in my address to the Senate on the espionage act, the words of Jefferson on the subject of free speech. The Senator, by what he indicates would be his policy, shows once more that when the teachings of Washington were consigned to oblivion those of Jefferson were also. I have on my desk an encyclopedia of Jefferson's words. I shall not detain you to read his words concerning the sedition law and freedom of speech. If Senators who are followers of Jefferson would read that encyclopedia more they might not think Jefferson, after all, so much out of date. Jefferson said on one occasion:

If there be any among us who wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it.

Senators, no man on this floor can properly accuse me of being in favor of riots, of revolution, of disregard of the Constitution. I have not violated the Constitution in my votes. There is the test. Search my record, and I do not think you will find that I have cast one vote against the language of that Constitution, even when I had to suffer for voting in the minority for the protection of the fundamental law of our country. I believe that the real revolutionist in this Republic is the man who disrespects and disregards the Constitution of the country, and I care not where he is, or whether he be a ragged, illiterate, oppressed workman, suffering from the injustice of conditions which legislative bodies of this land have allowed to exist, protesting in his physical hunger against a system which he believes is not giving him justice, or whether he sits in an upholstered chair in some legislative body and votes against the fundamental law of his country because some one tells him to do so, and he is afraid to disobey.

You are complaining now of a condition similar to that which Alexander Hamilton predicted would follow the sedition act of 1798 and which the Republican Party, the liberal party of the Republic, foresaw might come when we voted here for my "speaking of the truth" amendment to the espionage act. This the party of Hamilton knew such a condition would come, because we did not think that Washington and Hamilton were out of date.

In 1798 Congress, only 11 years after the Constitution was adopted, thought the Constitution was out of date. Hamilton was living then. He saw the "alien and sedition" measures

introduced into the Congress, and he had no sooner seen them than he wrote these words:

Let us not establish a tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united. But if we push things to extremes, we shall then give to faction body and solidity.

Frothy words do no harm; factional opinion does no harm. Hamilton saw the danger of giving to discontent body and solidity, and that is what you did with the espionage law, because you thought you knew more than Hamilton. Hamilton wrote those words in 1798. The Congress disregarded them. He was not mistaken then, as I have said before. His prophecy then proved true, for in a few short months was born for the first time, as a result of giving to faction "body and solidity," the doctrine of nullification and secession which ultimately led to civil war.

Mr. SHEPPARD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. FRANCE. For a question.

Mr. SHEPPARD. Does not the Senator feel now that he can permit the census bill to be passed?

Mr. FRANCE. I have here now some letters which I had not intended to introduce into the RECORD when I first began.

Mr. SHEPPARD. Will not the Senator answer my question?

Mr. FRANCE. I thought the Senator had taken his seat.

Mr. SHEPPARD. Does not the Senator feel that he can permit us to pass the census bill?

Mr. FRANCE. I have assured the Senator that I think the census bill is perfectly safe.

Mr. SHEPPARD. It is the safety of the dead.

Mr. FRANCE. Well, history will prove whether that is true.

I want to tell the Senators a significant fact; and I wish the Senator from Ohio, Mr. Pomerene, had been able to remain to hear the answer which I wished to give to his question. When I introduced the bill to repeal the espionage law, I began to get letters from all parts of the country. Most of those letters came from those who, during the last months, have been in a small minority. Many of them had come from those who hate war because of their religious beliefs; men of peace, who felt the hand of this law most heavily; those who were more radical internationalists than some of you gentlemen who are now talking the same internationalism, if of a more conservative character. Some few lawyers wrote to me, but many of our more conservative people were probably in doubt as to what policy we should pursue, whether we should go ahead and enact more drastic laws or go back and trust the people. But, Senators, soon after this bill which the Senator from Utah, Mr. KING, has read in part, was reported to the Senate, my mail changed; and from the most conservative citizens, including lawyers, in the country came to me words of warning, that we had better not be rash, that they saw the real danger of pressing things so far that actual violence might be invited.

I will read you one of those letters, but I will not give you the name of the writer; and I will not put it into the RECORD. It is from a lawyer in New York City, living at a conservative address, and this is only one of many letters, showing that even the conservative men now see the danger which Hamilton saw and which I pointed out to you in his words so many months ago. This letter reads:

DEAR SIR: The theory of constructive crime, I believe, was invented by Lord Justice Jeffries in his bloody assizes following the Monmouth insurrection in 1685.

Jeffries's innovation in criminal jurisprudence was the predication of criminality upon the supposed dangerous tendency of acts or opinions instead of upon tangible wrongs, demonstrable, committed by the accused. As in prosecutions under our espionage act, it was easy for juries composed entirely of political adversaries, and charged by a judge who was also a political adversary, to infer from the character of the defendant's opinions that criminal harm would be a "natural and probable" consequence of their expressions.

Mind you, this is a conservative man, who had not protested against the espionage act, who wrote only after he saw that the policy was to go forward and carry this inaugurated policy to its logical conclusion. He mentions the espionage act first in his letter, and then he continues:

The provisions of the so-called antianarchist bill now pending seem calculated to perpetuate the rediscovered technique of punishing for principles. The victims of the espionage act have not been spies. I venture to suspect that the antianarchist bill is not aimed at anarchists. Whatever its aim, its tendency will be to continue the persecution of legitimate political agitation. I hope very much you are going to oppose it vigorously.

I have a mass of letters from conservative men on this bill. I want to read one more letter from the State of Indiana, showing that the conservative men are now alarmed; and I can

match every letter which the Senator from Ohio [Mr. POMERENE] receives from misled fanatics, who wish their country well, but who have not realized the importance of conserving its fundamental principles and of its Constitution. I can match every letter which he reads from one of those fanatics, who want to suppress this evil by unconstitutional means, with a letter from a conservative lawyer, which points out the danger of the continuance of this un-American policy. This letter reads:

We understand that you are a member of a committee considering the passage of a peace-time sedition act. We want to protest to you against the passage of this infamous measure.

It is not our purpose to defend lawlessness, as you can see by our stationery. We have been for a quarter of a century practicing law, and are still practicing law, and will continue to uphold law and order as against lawlessness. It is not a protest against the expressed purpose of the bill, but it is a protest against the passage of the bill, and the construction the courts will place upon it, and the interpretation to be placed upon it by the prosecuting attorneys of the several districts in the enforcement of the law. The law should not be made so broad that it will suppress free speech in this country, and the bill, as I apprehend it, if it is passed, does that very thing.

Mr. President, I had not the slightest idea that I would take so long in these preliminary observations upon the vices of the committee system, which enable the Judiciary Committee of this Senate, for example, not only to disregard a bill referred to it by a Senator and fail to report it, but afterwards to report a bill subsequently introduced, representing a totally different policy, before the Senate had an opportunity to fully discuss the question first submitted.

We must without discouragement or delay face the great task of national reconstruction.

I met here recently an enthusiastic young fellow who has been working heart and soul to have the adult illiteracy or Americanization bill passed, which you have not passed. You have not had time to take up the illiteracy bill and the need for it is pressing. I thought this young fellow was discouraged and I said, "Do not be blue. We are going to get after this illiteracy problem yet. Do not be blue." "Oh," he said, "I am not blue." He said, "When a man tells me not to be blue I say I am not blue, I am red, white, and blue."

In the reconstruction of the Republic we must beware of the danger of this new so-called yet undefined democracy.

Senators, I have held in my hand in the laboratory a crystal tube of beautiful sweet amber-colored culture fluid—of such concealed and concentrated poisonous potency as would cause it, if properly distributed, to spread pestilence and death on every hand. But, Senators, let me say to you that such physical poison is not more dangerous to the body than this political poison which is being disseminated over this country and over the world is to the state, the poison of a democracy undefined, disordered, hating in its despotic heart the limitations of the Constitution; the democracy which dares to despise the fundamental law; the democracy which holds that the majority is always right and that it hence has a right to do anything which it pleases with the minority. Such democracy is not the goal of history.

Mr. President, we live in days when narrow creed looking to partisan ends is not enough. We need a political philosophy looking to history's purposes.

We can not solve the stupendous problems of national and the world's social reconstruction until we become filled with a rational faith in the "form and substance" of Republican government.

We need a whole new national and international policy formulated in recognition of the fact that historic evolution; of which this war is but one of the violent stages, has been steadily toward the establishment of a Government which should be stable, because a true resultant of the free interplay of individual forces; permanent, because broad, based upon a popular will, freely and intelligently expressed, preserving liberty by a constitution properly defining, limiting, and distributing its various powers, yet so integrated in all its parts and so coordinated in all of its functions as to eliminate chance as it extends with absolute certainty and scientific precision to every citizen the very maximum of opportunity for healthful life, expression and free expansion, self-development, achievement, and happiness. Such was this Republic designed by the fathers to be, and such the Government which it is our duty to defend, nurture, and perfect, that the hopes of the fathers may be brought to full fruition. Such is the American ideal of government. It is practical, because under its inspiration we have builded the greatest of all nations. It is rational because it is in harmony with universal law. It is indestructible, because when fully realized it will be eternal truth expressed in social form.

We have not yet realized this ideal of government, nor have the great principles enunciated by the fathers become vital and

incorporate in all the departments and functions of our governmental structure. We have not yet fully applied these great principles to modern problems and current pressing social needs.

This has been a war for liberty, but political liberty, dear as it is to every American heart, is not enough. Men must be free, at least in this Republic, from the conditions that deprive of equal opportunities.

I know that some of you believe that these restless ones are all foreigners. It is not so. Some of them are our best citizens. I know that you think that a very large majority of these restless ones are demanding "equality of circumstance." This is not true. The Americans who went to the front to fight have no such idea. The true American does not ask equality of circumstance; he only asks that the purposes of this Republic be fulfilled.

Lincoln correctly called ours—

That form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders, to clear the paths of laudable pursuit to all; to afford an unfettered start and a fair chance in the race for life.

And it is in furtherance of that purpose that we should continue to work here in extra session until we have solved some of the grave reconstruction problems which confront us.

Senators, I do not ask you to pass this resolution informing the President that it is the judgment of the Senate that we should remain in session in order that we may adopt socialistic or bolshevistic legislation designed to give equality of circumstance to all who are Americans. The boys back home without employment, those walking the streets of New York, begging money and selling matches, do not ask for that. The men who marched down into the valley of the Marne and their mothers and their fathers who waited in agony at home do not ask for equality of circumstance; but they ask, and I ask for them, that we stay here in session seeking to give them what they have a right at our hands to demand—conditions affording absolute equality of opportunity.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. FRANCE. I yield.

Mr. SHEPPARD. I ask the Senator if he will not permit us to pass the census bill, and then continue his remarks on some other measure?

Mr. FRANCE. I would lose the floor. The Senator knows that.

Mr. SHEPPARD. No; the Senator will not lose the floor.

Mr. FRANCE. I do not blame the Senator for wishing me to do so.

Mr. SHEPPARD. The Senator will not lose the floor; he will not lose it under any consideration.

Mr. FRANCE. I feel that I can almost assure the Senator that his bill will pass. I do not wish to take any advantage of the Senator.

Mr. SHEPPARD. It will be impossible to hold the right of way much longer, I will say to the Senator, and he will soon make it impossible for the bill to pass.

Mr. FRANCE. I am not asking for the immediate passage of my resolution.

Mr. ASHURST. Will my friend, the Senator from Maryland, yield to me?

Mr. FRANCE. With pleasure.

Mr. ASHURST. I have listened to all of the Senator's speech, and I want to say here that amidst a great deal of that speech with which I do not agree there are some golden grains of truth interspersed here and there—not many, but there are some. [Laughter.] I am not speaking in the language of flattery, but I have hope still. I have sat here, like a lone Indian on a promontory, on guard, trying to pass the Indian bill. I still have hope that when the conference report on the census bill is disposed of we can pass the Indian bill, which, I think, could be done in about three hours and a half. I want the Senator to understand that I would not be so presumptuous or so ill mannered as even to suggest that he shorten his really interesting speech; but I do hope that all Senators will remain here, so that when his speech is concluded we can take up this bill and pass it to-night.

Mr. FRANCE. I hope they will remain. I thought I was making myself clear, but I have not; because if I had made myself clear I know that the distinguished Senator from Arizona would agree with me entirely. If I had been able to express what is in my mind and heart, the Senator would agree with more than a fraction of what I have said, because, after all, our differences are merely such differences as those between the waves of the sea. You get up here and propose measures and

I combat them, or you oppose my motions and there is a stormy sea of debate, but beneath the superficial discord is the great ocean of a brotherhood in this Republic where we find the depths of mutual interest and understanding.

The Senator has misunderstood me in another respect. I have not been trying to kill legislation. The doctrine of the discontinuance of the session comes from that side of the Chamber, not from this. I am worn and weary also. We have been working here under the stress of war and near the hot furnaces of doubt and trial, and we are all very tired. I want to go home to the Maryland hills and look out over the beautiful Chesapeake as much as the Senator from Arizona wants to go into the invigorating air of his own magnificent State. I am not pleading that this legislation should not pass. I am willing to stay here day and night until by law this session expires, and I am willing, if I can get the measures which, in my heart, I believe should be enacted before this fiscal year ends, to work day and night even until I fall in the exhaustion of death, or until July or on to December. I can not be justly charged by any man from that side of the Chamber—in that party which has fallen into the delusion that it would be safe for Congress to adjourn until July or December with the Republic in this condition—with trying to kill legislation.

I am pleading for more legislative time; and if the Senators on that side go home and break the quorum to-night, when they are advocating that the legislative bodies of this Republic shall adjourn until July or December, they will violate the faith which the people of this Republic have in them.

I think I probably have not made myself clear at all if any of the Senators on that side believe that my aim is to impede legislation. I am willing to stand here until I fall after exhausting every parliamentary resource to get an extra session of this Congress on the 5th day of March, in order that we may properly meet the serious situation which exists in this Republic and which I tell you does not exist only as a result of war. The war did not cause all of the difficulty. I believe in my heart that this condition has been caused by the grave mistakes of the executive and the legislative departments of this Republic, and I take my share of the blame.

Senators, I know that from 1914 until this Republic declared war our people were divided in opinion. If you doubt that, study the history of the period. But, Senators, when this Congress voted, upon the recommendation of the President, for war all substantial divisions disappeared and we became a united people, as we had never been before, but later, by a series of blunders which were inexcusable, we permitted discord, misunderstandings, intolerance, class conflict, bitterness, to interfere with the proper development of that great spirit of sympathy, mutual understanding, and of desire for cooperative effort which were so manifest everywhere soon after our declaration of war.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. FRANCE. I yield.

Mr. KENYON. I should like to ask the Senator if he does not think it would be a very good thing for this Congress to pass what is known as the Americanization bill before we adjourn? Is not that about as essential as any measure before us?

Mr. FRANCE. Most certainly; and while the Senator was absent from the Chamber I adverted to the fact that the adult illiteracy bill was one of the bills which we could not pass, because, under the decree and under the Democratic policy we are expected to adjourn until December, and, by so adjourning, kill legislation which our people need, and demand immediately, at our hands.

What did we do to disintegrate the unity of spirit of our people? What did we do to disorganize this mighty Republic, rising in all her splendor to put on her shining armor for the vindication of her inalienable rights, and for a demonstration that she was a Nation which dared to fight when her rights were trespassed upon and violated?

Our people were united. Of course, this is a great Republic of more than 100,000,000 people on a vast continent extending from ocean to ocean, with varying differences and circumstances and systems of training and tradition and education, with too much difference, I think, in the latter. Differences of opinion are not only legitimate but necessary. As we all know, the Republic is stable because it is the true resultant of difference of thinking on the part of the people, of various individual opinion and multitudes of thoughts and expressions, of mind beating against mind, word against word, thought against thought, will against will. There must be in a true Republic such normal differences of opinion.

One Sunday afternoon, nearly three years ago, I was in a great American city, with its teeming hundreds of thousands of men of all circumstance and condition. I knew that city well. I knew its rich, I knew its poor, I knew the misery which was there in some of the hovels which a reactionary city government had allowed to exist and to be called homes—mere slovenly pens where men dwelt in poverty and ignorance and degradation almost on a level with the beasts. I walked through a street which was a cross section of that city and noting a sign upon a theatre I entered and found a seat in a vast auditorium which was crowded from pit to topmost gallery. It was an open forum meeting such as were permitted to be held in the old days, in the days far back in 1916 before we concluded that we were wiser than our fathers when they said that the principal pillar of free government is freedom of speech, of expression, and of assembly.

This was before we had discovered this doctrine, which has been advocated on the other side of the Chamber, that one-man governments are more efficient than Republics, and that the free expression of differences of opinion is extremely dangerous.

As I waited in this great auditorium a frail little woman came out upon the stage and began to speak. She began to speak of poverty. She spoke of the London slums, of the degradation in American cities, of child labor, and of the little spirits in pale and wan bodies which never knew of free and happy play in the open sun. The audience was in large part composed of men, but when this woman had finished speaking the thousands there had been most deeply moved. She had begged for justice for little children. She had asked only for the equal opportunity which it is the purpose of the Republic to assure. The speaker was but a spirit in a fragile human shell, but a mighty soul filled with courageous devotion and a love for humanity. She had been traveling up and down the country for many months preaching, not anarchy, not socialism, not demanding an equal circumstance, but demanding a fair chance, an unfettered start for women and the children of the poor in the race of life.

I think that little woman, Rose Pastor Stokes, traveling up and down the Republic did some good. She certainly made some friends. After war was declared that little woman wrote an indiscreet editorial for a western paper. It was the expression of a proper human emotion at an improper time, the expression of that very emotion that is being given expression to-day when you plead for a permanent peace.

Senators, it was the same heroic, sacrificing, devoted spirit of that little woman which found different expression when our troops charged resistlessly at Chateau-Thierry. It is the spirit which longs for liberty, for world advancement, for equal opportunity. It was indiscreetly expressed by her I know, but do you think that this indiscreet article in that paper would have stopped the great Republic from calling any part of its Army to the colors?

Senators, that editorial would not have kept one single soldier from responding to his country's call. Men had to fight this war. The women helped, but the brawn and bone and courage of men were needed, and the American men had it; and you lacked faith in their spirit and courage when you feared that words of anguish wrung from a tender woman's heart would keep them from going to their duty. She wrote this editorial, and the rough hand of the Department of Justice fell upon her, and she was dragged into court, tried, convicted, and given a heavy prison sentence. I shall not discuss whether, in the abstract, that was justice, but I am sure that all the people who knew her and of her work resented it when they learned that there had been laid upon her the rough and inconsiderate hands of the law and that she was to be sent to prison for mere words.

Senators, you know the story of our court-martials. You know how the failure to pay allotments left little festering sores here and there. I shall close. I am not speaking as a partisan when I ask you to pass that resolution merely expressing your sentiments, if they are your sentiments, to the President, your fellow partyman, and friend, that this Congress should remain in session to repeal some of this drastic legislation to cure some of these crying evils, to heal some of these festering sores.

I am willing to yield to the Senator from Texas if he will assure me, and those on the other side of the aisle will assure me, that the conference report presented by the Senator from Texas will be agreed to at once.

During the delivery of Mr. FRANCE's speech,

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Maryland yield to the Senator from Iowa?

Mr. FRANCE. I yield, with pleasure.

Mr. KENYON. I observe a number of soldiers in uniform who are unable to get into the galleries. I ask unanimous consent that any man in uniform be admitted to the Senators' gallery.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the conclusion of his speech, Mr. FRANCE said:

I will yield, Mr. President, for the adoption of the conference report.

Mr. SHEPPARD. Regular order!

The PRESIDING OFFICER (Mr. KING in the chair). The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SHEPPARD. I move that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 12, and that the Senate agree to the same.

Mr. SMOOT. The conference report has been agreed to.

Mr. SHEPPARD. This is an amendment by the House, and I move that the Senate concur in it.

Mr. SMOOT. I think the record will have to be changed, then.

Mr. SHEPPARD. The Secretary has at his desk the amendment of the House to the conference report.

Mr. SMOOT. Let it be read before the Senate agrees to it.

The PRESIDING OFFICER. The Secretary will read the amendment of the House.

The SECRETARY. To the matter inserted by said amendment insert:

That hereafter in making appointments to clerical and other positions in executive departments and independent governmental establishments preference shall be given to honorably discharged soldiers, sailors, or marines, and the widows of such, if they are qualified to hold such positions.

Mr. SHEPPARD. That is substantially the amendment which the Senate placed in the bill.

Mr. SMOOT. Simply one word. I do not object to it at all, but I am sorry to see that the change was made.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House which has just been read by the Secretary.

The amendment was concurred in.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. I make the usual request; that is to say, I request that the formal reading of the bill be disposed with and that the bill be read for committee amendments only, and that the committee amendments be disposed of first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and the request is granted.

Mr. SMOOT. Will the Senator from Arizona yield to me for a moment?

Mr. ASHURST. I yield.

LANDS IN MONTANA.

Mr. SMOOT. On February 18, 1919, the Senate passed a resolution directed to the Secretary of the Interior requesting information. Secretary Lane on February 26, 1919, addressed a letter to Hon. James M. Baker, Secretary of the United States Senate, in answer to that resolution.

Mr. President, I have never seen that done before in the history of the Senate, and I am going to ask the Senate that all this correspondence be returned to the Secretary of the Interior, with a request that he direct his response to the resolution in the ordinary and usual way.

Mr. LEWIS. Mr. President, I would like to assure the Senator from Utah that no disrespect was intended by the Secretary of the Interior in this matter, for there is no man in official life in Washington who more desires not only to show respect by word but by action than the Secretary of the Interior, and if an error has been occasioned such as the Senator points out, I assure the Senator it was a clerical error and not an intentional one, and the Secretary of the Interior will be glad, indeed, to conform to the suggestion of the Senator, in order that he may show to the Senator, as to every other Member of the Senate, that he is deferential and in no wise intended to be contuma-

cious by addressing a document, instead of addressing it to this body, to one of its employees.

I only rise at this time to say to the Senator he may rest assured that it was an unintentional error.

Mr. SMOOT. I want to assure the Senator from Illinois that I fully agree with him as to all that he says about Secretary Lane. I have no thought in my mind in the way of condemnation of this way of answering the resolution. Perhaps I might say that it passed over the desk of the Secretary of the Interior without his noticing it. I am perfectly willing to give him the benefit of the doubt. Thousands of letters are signed, I suppose, by him every day or so, and I take it for granted that he does not read all of them. I trust that is the way it occurred.

Mr. LEWIS. I have no doubt it did.

Mr. SMOOT. The Senator must know that I have said nothing which would indicate in the least that I have any feeling over the matter, but I do believe that the Senate ought to be respected in the request made of it, and that the answer should come to the Senate rather than to an employee of the Senate.

Mr. LEWIS. I think, Mr. President, that the Senator from Utah has correctly apprehended how the error arose, surely, clerical and inadvertent, and we will get such a response from the returned document as will fairly indicate that. I join in the request because I want the record corrected.

The PRESIDING OFFICER. The Senator from Utah and the Senator from Illinois will indulge the Chair for a moment.

Mr. MYERS. Mr. President—

The PRESIDING OFFICER. And the Senator from Montana will indulge the Chair. The Chair suggests to the Senators that they look at the report. The Chair thinks that there are some matters in relation to it that may change the suggestion made by the Senator from Utah and the Senator from Illinois.

Mr. SMOOT. "Some reason," did the Chair say?

The PRESIDING OFFICER. If the Chair may be pardoned for so doing, he suggests to the senior Senator from Utah and to the Senator from Illinois that they examine the report. There may be some confidential matters, the Chair will state, which, perhaps, induced the course which was pursued by the Secretary of the Interior.

Mr. SMOOT. I will say to the Chair that I recognize that it is stated in the letter that it is a confidential matter, but I am quite sure that the Secretary could address the confidential matter to the President of the Senate just as well as he could to an employee of the Senate. I have never known—at least I do not now remember—of such an occurrence ever having before happened.

Mr. MYERS. Mr. President, I knew nothing about the resolution to which the Senator has referred nor about the response to the resolution until to-night. It was all new to me until to-night. I only had a minute or two to hastily glance at the communication. It appears to be confidential. I do not know what the practice of the Senate has been heretofore, but it seems to me that it is not inappropriate to address a response of that kind to the Secretary of the Senate, who is supposed to lay it before the Senate. That is the duty of the Secretary—to lay any communications before the Senate.

Mr. SMOOT. How can the Secretary lay a communication before the Senate? The Secretary of the Senate has no right to lay any paper before the Senate.

Mr. MYERS. The Secretary of the Senate can hand it to the Presiding Officer of the Senate.

Mr. SMOOT. The communication should have been addressed to the Presiding Officer of the Senate in the first place.

Mr. MYERS. It seems to me merely a matter of etiquette; and to the correction of that error in etiquette I have no objection whatever. I only wish to concur in what the Senator from Illinois [Mr. LEWIS] has stated, that I know the Secretary of the Interior meant no disrespect to the Senate, that he did not mean to depart in any way from the usual custom of official legislative etiquette, and that he only intended to comply with his official duties in a respectful and courteous manner, as he always does.

Mr. GORE. Regular order, Mr. President.

Mr. MYERS. This is the regular order. If the Secretary of the Interior has departed from the etiquette of the Senate, and it is proper to have him conform to it, I suppose there can be no objection to his doing so.

Mr. SMOOT. I simply did not want to have this form of answer to a resolution recognized; that is all.

The PRESIDING OFFICER. The Chair does not quite understand the request of the senior Senator from Utah [Mr. SMOOT] with respect to the communication.

Mr. SMOOT. My request is that the communication be returned to the Secretary of the Interior calling attention to the

fact that the answer to the resolution should be directed to the Vice President, the President of the Senate.

The PRESIDING OFFICER. The Senator from Utah requests that the communication just referred to be withdrawn from the Committee on Public Lands and respectfully returned to the Secretary of the Interior, and that it may be addressed in the manner indicated by the Senator's motion. The question is on that motion. [Putting the question.] The ayes have it, and the motion is agreed to.

ORDER OF BUSINESS.

Mr. SWANSON. In order to carry out the arrangement that has been made, I ask unanimous consent that when the Indian appropriation bill has been passed the Senate then adjourn.

Mr. ROBINSON. Until what hour?

Mr. SWANSON. There is a general order that the Senate shall meet at 10 o'clock, and until that order is changed, when the Senate adjourns it will adjourn to meet at that hour.

The PRESIDING OFFICER. Is there objection to the request which has been made by the Senator from Virginia [Mr. SWANSON]? The Chair hears none, and it is so ordered.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920.

The first amendment of the Committee on Indian Affairs was, under the head of "Irrigation on Indian Reservations (Reimbursable)," on page 3, line 5, after the word "Reservation," to strike out "\$21,000" and insert "\$20,000," and, in line 7, after the word "total," to strike out "\$33,000" and insert "\$32,000," so as to make the clause read:

Irrigation district 1: Sand Creek and Agency projects, Klamath Reservation, \$20,000; Round Valley Reservation, Cal., \$2,000; Colville Reservation, \$10,000; total, \$32,000.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "Reservation," to strike out "\$6,000" and insert "\$1,000"; in line 18, after "\$1,000," to strike out "Papago pumping plants, \$5,000"; in line 19, after "Reservation," to strike out "\$6,000" and insert "\$4,500"; in line 20, after the word "projects," to strike out "\$7,600" and insert "\$6,600"; and in line 21, after the word "total," to strike out "\$45,200" and insert "\$33,700"; so as to make the clause read:

Irrigation district 4: Agua Caliente Reservation, \$1,000; Ak Chin, Maricopa Reservation, \$3,200; Big Pine Reservation, \$3,500; Grand-stone Creek Reservation, \$1,300; La Jolla Reservation, \$6,000; Martinez pumping plant, \$2,000; Morongo Reservation, \$1,600; Owens Valley Reservation, \$1,000; Pala Reservation, \$4,500; Rincon Reservation, \$3,000; miscellaneous projects, \$6,600; total, \$33,700.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "Reservation," to strike out "\$22,000" and insert "\$20,000"; in line 24, after the word "Pueblos," to strike out "\$12,000" and insert "\$11,000"; on page 4, line 2, after the words "Red Lake," to strike out "\$20,000" and insert "\$18,200"; and in the same line, after the word "total," to strike out "\$80,200" and insert "\$75,400," so as to make the clause read:

Irrigation district five: Southern Ute Reservation, Pine River project, \$8,000; San Juan Reservation, \$20,000; New Mexico Pueblos, \$11,000; Zuni Reservation, \$18,200; Navajo and Hopi miscellaneous projects, including Tes-nos-pos, Moencopi Wash, Captain Tom Wash, and Red Lake, \$18,200; total, \$75,400.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "reservations," to strike out "\$268,050" and insert "\$250,750," so as to read:

In all, for irrigation on Indian reservations, \$250,750, reimbursable as provided in the act of August 1, 1914.

The amendment was agreed to.

The next amendment was, under the head of "Suppressing liquor traffic," on page 5, line 21, after the word "Indians," to strike out "\$125,000" and insert "\$100,000," so as to read:

For the suppression of the traffic in intoxicating liquors among Indians, \$100,000.

The amendment was agreed to.

The next amendment was, under the head of "Relieving distress, etc.," on page 6, line 9, after "\$375,000," to insert "of which sum \$25,000 shall be immediately available," so as to read:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, \$375,000, of which sum \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Support of Indian schools," on page 7, line 16, after "\$1,750,000," to insert "of which sum not to exceed \$25,000 shall be immediately available," so as to read:

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, \$1,750,000, of which sum not to exceed \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Indian school and agency buildings," on page 8, line 6, after the word "therewith," to strike out "\$350,000" and insert "\$335,000," so as to make the clause read:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$335,000.

The amendment was agreed to.

The next amendment was, under the head of "Per capita cost," on page 9, line 23, after the word "be," to strike out "determined by taking the average attendance for the entire fiscal year and not any fractional part thereof" and insert "based upon average attendance, determined by dividing the total daily attendance by the number of days the school is in session," so as to make the clause read:

That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than \$225 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$250: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be based upon average attendance, determined by dividing the total daily attendance by the number of days the school is in session: *Provided further*, That all moneys appropriated for school purposes among the Indians for the fiscal year ending June 30, 1919, may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

The amendment was agreed to.

The next amendment was, under the head of "Telegraphing and telephoning," on page 11, line 26, after the word "Washington," to strike out "\$6,000" and insert "\$8,000," so as to make the clause read:

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, \$8,000.

The amendment was agreed to.

The next amendment was, under the head of "General expenses of Indian Service," on page 13, line 8, after the word "available," to strike out "\$135,000" and insert "\$140,000: *Provided*, That \$5,000 of this amount shall be immediately available," so as to make the clause read:

For pay of special agents, at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed \$3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$140,000: *Provided*, That \$5,000 of this amount shall be immediately available: *Provided further*, That \$15,000 of this appropriation shall be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma.

The amendment was agreed to.

The next amendment was, under the head of "Determining heirs," on page 13, line 25, after the word "exceed," to strike out "\$25,000" and insert "\$30,000," so as to make the clause read:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed \$20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the \$100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Indians in Oklahoma.

The amendment was agreed to.

The next amendment was, under the head of "Industry among Indians (reimbursable)," on page 14, line 11, after the word "crops," to strike out "\$100,000" and insert "\$250,000," so as to read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$250,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," subhead "Suppressing Contagious Diseases among Live Stock of Indians," on page 16, line 7, after the word "rolls," to strike out "shall contain the ages and quantum of Indian blood"; in line 14, after the word "two" in parentheses, to strike out "and shall be conclusive both as to ages and quantum of Indian blood," and in line 18, after the word "Minnesota," to insert "or the Menominee Indians of Wisconsin," so as to make the clause read:

That the Secretary of the Interior is hereby authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls, when approved by the said Secretary, are hereby declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in section 28 of the Indian Appropriation Act approved May 25, 1918 (40th Stat. L., pp. 591, 592): *Provided*, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians, or to the Chippewa Indians of Minnesota, or the Menominee Indians of Wisconsin.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "Arizona and New Mexico," page 18, line 6, after the word "superintendent," to strike out "\$35,050" and insert "\$32,700," and in line 7, after the words "in all," to strike out "\$38,850" and insert "\$36,500," so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Fort Mojave, Ariz., and for pay of superintendent, \$32,700; for general repairs and improvements, \$3,800; in all, \$36,500.

The amendment was agreed to.

The next amendment was, on page 18, line 10, after the word "superintendent," to strike out "\$142,500" and insert "\$132,000," and in line 11, after the words "in all," to strike out "\$155,000" and insert "\$144,500," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, \$132,000; for general repairs and improvements, \$12,500; in all, \$144,500.

The amendment was agreed to.

The next amendment was, on page 18, line 14, after the word "superintendent," to strike out "\$24,000" and insert "\$22,000," and in line 15, after the words "in all," to strike out "\$27,000" and insert "25,000," so as to make the clause read:

For support and education of 100 pupils at the Indian School at Truxton Canyon, Ariz., and for pay of superintendent, \$22,000; for general repairs and improvements, \$3,000; in all, \$25,000.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "eighty-one" in parentheses, to strike out "\$10,000" and insert "\$7,500"; in line 22, after the word "systems," to strike out "\$10,000" and insert "\$7,500"; and, in line 23, after the words "in all," to strike out "\$20,000" and insert "\$15,000," so as to make the clause read:

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, within the limit of cost fixed by the act of March 3, 1905 (33 Stat. L., p. 1081), \$7,500; and for maintenance and operation of the pumping plants and canal systems, \$7,500; in all, \$15,000, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., p. 522).

The amendment was agreed to.

The next amendment was, on page 19, line 15, after the word "land," to strike out "\$75,000" and insert "\$54,000," and, in line 20, after the words "in all," to strike out "\$209,000" and insert "\$188,000, to be immediately available," so as to make the clause read:

For continuing the construction of the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., by the installation of a settling basin, \$11,000, and for continuing the construction of the necessary canals and laterals for the utilization of water in connection with said pumping plant, as provided in the act of April 4, 1910 (36 Stat. L., p. 273), \$82,000, and for maintaining and operating the pumping plant, canals, and structures, \$41,000, reimbursable as provided in said act; and for continuing the purpose of securing an appropriation of water for irrigation of approximately 150,000 acres of land on said reservation by the conduct of surveys and the preparation of plans and estimates for a complete irrigation system to supply water to said land, \$54,000, reimbursable from funds in the Treasury of the United States to the credit of the Indians of said reservation arising from the proceeds from the sale of town lots authorized by the act of April 13, 1908 (35 Stat. L., p. 70); in all, \$188,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, line 8, after the word "tribe," to insert "by the Indians benefited," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$17,500 of any tribal funds on deposit to the credit of the Indians of the San Carlos Reservation in Arizona, and to expend the same for the operation and maintenance of pumping plants for irrigating the lands of the Indians on the said reservation, and for the installation of a tank or tanks for the economical handling of fuel oil for said pumping plants: *Provided*,

That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, in section 3, under the head of "California," line 16, after the word "superintendent," to strike out "\$138,600" and insert "\$128,400"; in line 17, after the words "in all," to strike out "\$153,600" and insert "\$143,400: *Provided*, That not to exceed \$20,000 may be expended from Indian moneys, proceeds of labor, Sherman Institute, for the purchase of land and water rights, the title to which is to be held in the United States," so as to make the clause read:

For support and education of 680 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, \$128,400; for general repairs and improvements, \$15,000; in all, \$143,400: *Provided*, That not to exceed \$20,000 may be expended from Indian moneys, proceeds of labor, Sherman Institute, for the purchase of land and water rights, the title to which is to be held in the United States.

The amendment was agreed to.

The next amendment was, on page 24, line 11, after the word "supply," to strike out "\$5,000" and insert "and the purchase of land and water rights, \$10,000"; and in line 13, after the words "in all," to strike out "\$30,200" and insert "\$35,200," so as to make the clause read:

For support and education of 100 Indian pupils at the Greenville Indian School, Cal., including pay of superintendent, \$24,000; for general repairs and improvements, including developing and installation of water supply and the purchase of land and water rights, \$10,000; for purchase of dairy cows and farming implements, \$1,200; in all, \$35,200.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

For the relief and care of nonreservation Indians in California in destitute circumstances, for the prevention and treatment of tuberculosis, trachoma, conjunctivitis, smallpox, and other diseases, and including the transportation of patients to and from county hospitals and almshouses, and to special physicians when necessary, \$20,000; said fund to be expended under contract with county supervisors and under such regulations and conditions as the Secretary of the Interior may prescribe, provided that not to exceed 50 per cent of the actual cost of such service to the supervisors shall be paid from this fund.

The amendment was agreed to.

The next amendment was, under the head of "Florida," on page 25, line 12, after the word "education," to strike out "\$20,000" and insert "\$10,000"; and in line 13, after the word "buildings," to insert: "*Provided*, That the unexpended balance heretofore appropriated for said Seminole Indians in Florida is hereby reappropriated and made available for the purposes herein named," so as to make the clause read:

Sec. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, \$10,000, including the construction and equipment of necessary buildings: *Provided*, That the unexpended balance heretofore appropriated for said Seminole Indians in Florida is hereby reappropriated and made available for the purposes herein named.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to insert:

IOWA.

Sec. 6. For the construction, maintenance, and operation of a drainage system for lands of the Sac and Fox Indians in Iowa, \$10,000, to be immediately available and to remain available until expended: *Provided*, That any moneys expended for this purpose shall be reimbursed out of any tribal funds in the Treasury of the United States to the credit of said Sac and Fox Indians: *Provided further*, That the Secretary of the Interior is hereby authorized to enter into agreements, or make such other suitable arrangements with the owners of adjacent lands benefited by the construction of such system as will insure payment from such owners, on a per acre basis, of a proportionate part of the construction, operation, and maintenance of such drainage system.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 26, line 23, to change the number of the section from 6 to 7.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert:

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., including pay of superintendent, \$19,400; for general repairs and improvements, \$4,000; in all, \$23,400.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 27, line 21, to change the number of the section from 7 to 8.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 28, line 2, to change the number of the section from 8 to 9.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to strike out:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians, in Minnesota, the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1919, out of the funds belonging to said band.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to strike out:

That not to exceed \$50,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., p. 137), may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to insert:

That not to exceed \$10,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., p. 137), may be expended by the Secretary of the Interior in payment of the expenses authorized by said act: *Provided*, That hereafter all proceeds of sales of timber products manufactured at the Red Lake Agency sawmill, or so much thereof as may be necessary, shall be available for expenses of logging, booming, towing, and manufacturing timber at said mill.

The amendment was agreed to.

The next amendment was, on page 30, line 3, after the words "sum of," to strike out "\$10,000" and insert "\$15,000"; in line 10, after the word "tribe," to strike out "including" and insert "and also"; in line 11, after the words "expenses of," to strike out "its legislative committee in" and insert "Chippewa delegates"; in line 13, after the word "second," to strike out "session" and insert "and third sessions"; and in line 14, after the word "available," to strike out "and said actual and necessary expenses to be approved by the president and secretary of the general council and certified to the Secretary of the Interior and as so approved and certified to be paid," so as to make the clause read:

That the sum of \$15,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota is hereby appropriated to pay the expenses of the general council of said tribe to be held during July, 1919, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the expenses of said general council in looking after the affairs of said tribe, and also the actual and necessary expenses of Chippewa delegates visiting Washington during the second and third sessions of the Sixty-fifth Congress; said sum to be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 17, to insert:

For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended, \$2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to insert:

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act and which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians of the State of Minnesota.

The amendment was agreed to.

The next amendment was, on page 31, after line 5, to insert:

The Secretary of the Interior is hereby authorized and directed to withdraw from the Treasury of the United States the sum of \$60,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of Minnesota, and to expend or pay the same, under such rules and regulations as he may prescribe, for the erection or purchase of homes for Chippewa Indians in said State whose homes were destroyed by forest fires during the year 1918, to be immediately available and to remain available until expended: *Provided*, That said sum may be used for material and labor for the construction of such houses; for the purchase of portable houses; or to pay for the erection of houses under contract, said contract to be executed or approved by the superintendent, who shall also inspect and approve all work done or houses erected or purchased hereunder before making payment therefor: *Provided further*, That not to exceed \$1,000 may be used for the purchase or construction of any one home: *And provided further*, That not to exceed 5 per cent of the amount expended may be used for administrative purposes.

The PRESIDING OFFICER. The Chair calls attention to a misprint in the committee amendment on page 31, lines 24 and 25, where the words "administrative" and "per centum" have been transposed. Without objection, the Secretary will be authorized to make the necessary correction. The question now is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, at the top of page 32, to insert:

That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any money in the Treasury of the United States to the credit of the Chippewa Indians of the State of Minnesota, proceeds of the final judgment obtained in the Court of Claims against the United States in case No. 30,447, entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota v. the United States," the following sums: To Wah-we-yea-cumig and Ain-dus-o-geshig, Mille Lac chiefs, each \$5,000; to Me-ge-zee, a Mille Lac chief, \$500; to the heirs of Go-gee, a Mille Lac chief, \$500; to the heirs of Nay-gwa-nay-be-ke-wain-zee, a Mille Lac chief, \$500; and to Mrs. Ella H. Beaulieu, widow of Gus H. Beaulieu, \$5,000, upon the execution by each of a receipt in full for all claims and demands against the Chippewa Indians of Minnesota, or any band thereof, for

services rendered and money expended in connection with the preparation or prosecution of the said case; in all, \$16,500; the sums hereby appropriated to be immediately available.

The amendment was agreed to.

The next amendment was, on page 32, after line 19, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$20,000 of the tribal funds of the Chippewa Indians of Minnesota and to expend or pay the same, under such rules and regulations as he may prescribe, for the construction and repair of roads on the Chippewa and ceded Indian reservations in the State of Minnesota.

The amendment was agreed to.

Mr. KELLOGG. Mr. President, at this point I should like the attention of the chairman of the committee. I offer the amendment which I send to the desk to the amendment reported by the committee, on page 33. I have two amendments to offer to the bill.

Mr. ASHURST. It is an amendment to the committee amendment, as I understand?

Mr. KELLOGG. It is an amendment to the committee amendment.

Mr. ASHURST. Then it is in order.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. The committee amendment on page 33, beginning in line 16, reads as follows:

That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to pay the amounts assessed against tribal and allotted Indian lands of the Fond du Lac Indian Reservation, Minn., by Carlton County Judicial Ditch No. 1. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$45,947, or so much thereof as may be necessary, to be reimbursed from any funds in the possession of the United States belonging to the individual allottees whose lands are benefited, or their heirs, in case of their decease, when the payment relates to allotted lands, and from any funds belonging to the tribe subject to be prorated, when the payment relates to tribal lands: *Provided*, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof.

Mr. KELLOGG proposes to amend the amendment by striking out, beginning in line 16, the words:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against tribal and allotted Indian lands of the Fond du Lac Indian Reservation, Minn., by Carlton County Judicial Ditch No. 1. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$45,947.

And inserting the words:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amounts assessed against tribal and allotted lands of the Indian reservations of Minnesota on account of benefits accruing to said lands by reason of the construction of a drainage ditch or ditches under the laws of Minnesota. There is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$60,000.

Mr. ASHURST. I have conferred with such members of the committee as are available, and it is their disposition to accept the amendment, and it will be accepted so far as the committee is concerned.

Mr. KELLOGG. If the committee finds on consultation with the Indian Bureau that the amendment is not correct, they can change it in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KELLOGG. I have one other amendment to offer.

The PRESIDING OFFICER. There is a committee amendment immediately preceding the one just agreed to which was not stated. The Secretary will now state that amendment.

The SECRETARY. On page 33, after line 2, it is proposed to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That on and after July 1, 1919, not to exceed three regular Indian agencies shall be maintained among the Chippewa Indian reservations in the State of Minnesota.

Mr. KELLOGG. Mr. President, I offer an amendment striking that out, and I should like to state to the chairman of the committee the reasons; and then, if the chairman desires a vote on it, it can be taken.

This fund, amounting to about \$6,000,000, in the Treasury of the United States was created under a treaty of the United States and an act of Congress putting the treaty in force, under which act of Congress it was provided that the principal sum

should forever remain a trust fund and the interest only should be used for the following purposes—

Mr. CURTIS. Mr. President, the Senator said "forever." I think the treaty provides "50 years."

Mr. KELLOGG. I beg the Senator's pardon; that is right—that it should remain a trust fund for 50 years, the interest only to be used, as follows: The fund was to be placed at interest at the rate of 5 per cent, payable annually, for the period of 50 years, after the allotments provided for in the act had been made, and the interest and permanent fund were to be expended for the benefit of the Indians in the manner following:

One-half of said interest shall, during the said period of 50 years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of 50 years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said 50 years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares: *Provided*, That Congress may, in its discretion, from time to time during the said period of 50 years, appropriate for the purpose of promoting civilization and self-support among the said Indians a portion of said principal sum not exceeding 5 per cent thereof.

Mr. President, the Supreme Court of the United States held, in the case of Minnesota against Hitchcock—an original case in the Supreme Court of the United States—that that was a treaty between the Indians and the United States Government binding on both, and that the fund constituted a trust fund. The question is whether the Congress has any right to appropriate, from the principal of that fund, any sum for the ordinary expenses of running the Indian agency.

In 1917 this question came up and the House struck it out entirely. It came into the Senate, and the Senate committee inserted "\$185,000." After long consultation with the Indian Department it was concluded to leave it at \$175,000 for the year 1917, and during that time the Indian Department agreed to make an investigation of the situation and see whether the fund was necessary. I shall not take the time to-night to explain this long investigation.

Mr. ASHURST. Mr. President, I think the members of the committee understand the Senator's amendment, because I believe it has been discussed pretty thoroughly.

Mr. KELLOGG. I think it has.

Mr. ASHURST. And, so far as I am concerned, as chairman of the committee, unless some of the other Senators have an objection to offer, I am willing to accept the Senator's amendment. It relates particularly to a matter in his State, and was argued by him before the committee.

The PRESIDING OFFICER. If the Senator will pardon the Chair, the Chair understands that this is an amendment of the committee, and the end desired by the Senator from Minnesota will be accomplished by voting down the committee amendment.

Mr. ASHURST. I think so.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Mississippi," on page 34, line 9, to change the number of the section from 9 to 10.

The amendment was agreed to.

The next amendment was, under the head of "Montana," on page 34, line 17, to change the number of the section from 10 to 11.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," on page 38, line 22, to change the number of the section from 11 to 12.

The amendment was agreed to.

The next amendment was, under the head of "Nevada," on page 39, line 8, to change the number of the section from 12 to 13.

The amendment was agreed to.

The next amendment was, on page 39, line 10, before the word "hundred," to strike out "three" and insert "four"; in line 12, after the word "superintendent," to strike out "\$69,500" and insert "\$82,000"; and in line 16, after the words "in all," to strike out "\$92,500" and insert "\$105,000," so as to make the clause read:

For support and education of 400 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, \$82,000; for general repairs and improvements, \$10,000; for enlarging and improving sewerage system, \$8,000; for enlarging and improving irrigation system and placing additional land under cultivation, \$5,000; in all, \$105,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 20, to insert:

For the purchase of land and water rights for homeless Indians in Nevada, the title to which is to be held in the United States for the benefit of said Indians; also for the purchase of agricultural equipment, building material, and other supplies necessary for said Indians in utilizing the land purchased for them; and for the expense of locating the Indians upon such land, including pay of employees where necessary, \$20,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," on page 40, line 6, to change the number of the section from 13 to 14.

The amendment was agreed to.

The next amendment was, on page 40, line 17, after the word "attorney," to strike out "\$2,500" and insert "\$5,000," so as to make the clause read:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$5,000, or so much thereof as the Secretary of the Interior may deem necessary.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

For the completion of the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, \$4,228.14, in addition to the \$16,500 appropriated for this purpose by the act approved June 30, 1913 (38 Stat. L., p. 91), to be immediately available for payment to the El Paso Bridge & Iron Co., of El Paso, Tex., for extra work and material, the same being made necessary by acts of the Government: *Provided*, That said sum shall be reimbursed to the United States by the Navajo Indians and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 42, to change the number of the section from 14 to 15.

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 42, line 15, to change the number of the section from 15 to 16; in the same line, before the word "Indian," to strike out "one hundred and sixty" and insert "two hundred"; in line 18, after the word "superintendent," to strike out "\$37,800" and insert "\$46,800," and in line 19, after the words "in all," to strike out "\$43,800" and insert "\$52,800"; so as to make the clause read:

Sec. 16. For support and education of 200 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$46,800; for general repairs and improvements, \$6,000; in all, \$52,800.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to insert:

That the sum of \$8,000 appropriated for the construction of a bridge across the Oconia Lufly River at or near the Indian school at Cherokee, N. C., by the act approved May 25, 1918 (Public No. 159, 65th Cong.), or so much thereof as may be required, is hereby reappropriated and made immediately available for the same purpose and under the same conditions as provided in the said act.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 43, line 2, to change the number of the section from 16 to 17.

The amendment was agreed to.

The next amendment was, on page 44, line 6, after "\$6,000," to insert "for a shop building, \$3,000," and in the same line, after the words "in all," to strike out "\$52,800" and insert "\$55,800," so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent \$46,800; for general repairs and improvements, \$6,000; for a shop building, \$3,000; in all, \$55,800.

The amendment was agreed to.

The next amendment was, on page 44, after line 13, to insert:

That the Secretary of the Interior is hereby authorized and directed to sell and convey 2 acres of land situated in township 152, north of range 65, west of the fifth principal meridian in North Dakota, situated in the Fort Totten Indian School and Agency Reservation, and described as follows: Beginning at the northwest corner of the northwest quarter of northwest quarter, section 21, township 152, north of range 65 west, fifth principal meridian in North Dakota, and running south 20 rods on the section line, thence east 16 rods, thence north 20 rods, thence west 16 rods on the section line to the point of beginning, to the public-school district in which the land is situated, at not less than the appraised valuation: *Provided*, That Indian children shall be permitted to attend any school established thereon on an equality with white children.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to insert:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$676, to reimburse Benson County, N. Dak., for money actually paid by said county to the State of North Dakota for care of three insane Indians, Mary Josephine Pejibutaskana, Alfred Littlewind, and Joseph Langer, in the North Dakota State Insane asylum.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 45, line 13, to change the number of the section from 17 to 18.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

That the trust period upon the lands heretofore allotted to the Mexican Kickapoo Indians in Oklahoma, and the restrictions against taxation and alienation existing thereunder be, and the same hereby are, extended for the period of 10 years from the date upon which the existing period expires.

Mr. GORE. Mr. President, I make a point of order against that amendment, on the ground that it is general legislation on an appropriation bill. It changes the existing law. It changes the existing status of the lands of the Indians. I will say, further, that the Secretary of the Interior has power, under existing law, to make an order extending this trust period. He can exercise that power at any time between this time and the 1st day of September. It is needless from that standpoint, but I object to it on the ground that it is legislation. It does not appropriate any money. It changes the law; and the facts and circumstances and conditions of the legal status of these Indians and their lands will be different, if this bill passes, than they would be otherwise.

Mr. ASHURST. Mr. President, I do not want to consume any time at this late hour. In fact, I would be guilty of a breach of propriety if I were to do so. I wish my friend would withdraw the point of order. I think it will lie. I think it is good, and I am not going to make any extended argument, but I think the trust period ought to be extended. I will not argue the question now. I think the Senator ought to withdraw the point of order.

Mr. GORE. I do not want to petrify in the law what the Secretary has authority to do and has not done.

The PRESIDING OFFICER. Does the Senator insist upon the point of order?

Mr. GORE. Yes.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 47, line 4, after "\$7,000," to insert "for improvement of water and engineering system, \$20,000," and in line 5, after the words "in all," to strike out "\$101,600" and insert "\$121,600," so as to make the clause read:

For support and education of 550 Indian pupils at the Indian school at Chillico, Okla., including pay of superintendent, \$94,600; for general repairs and improvements, \$7,000; for improvement of water and engineering system, \$20,000; in all, \$121,600: *Provided*, That \$20,000 heretofore appropriated for roads and bridge on the Chillico Indian Reservation in Oklahoma, or any unexpended balance thereof, is hereby reappropriated and made available for the construction or completion of such roads and bridge.

The amendment was agreed to.

The next amendment was, on page 48, line 8, after the words "sum of," to strike out "\$20,000" and insert "\$40,000," so as to read:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of \$40,000, or so much thereof as may be necessary, of the money on deposit to the credit of the Osage Tribe of Indians in Oklahoma, to be expended for the support, education, and systematic vocational instruction of Osage children.

The amendment was agreed to.

The next amendment was, on page 49, line 1, after the word "exceed," to strike out "\$25,000" and insert "\$35,000," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed \$35,000 of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma and to pay out the same for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles.

The amendment was agreed to.

The next amendment was, on page 49, after line 7, to insert:

That the provision in the Indian appropriation act for the fiscal year ending June 30, 1919, authorizing the expenditure of not exceeding \$25,000 from unexpended Osage tribal funds heretofore appropriated for any fiscal year for the use and construction of a fireproof office building for Osage Agency is hereby amended to provide that not exceeding \$35,000 of such unexpended Osage tribal funds may be used in the construction of such fireproof office building, including the removal of the present office building and rearrangement of interior of same for employees' quarters.

The amendment was agreed to.

The next amendment was, on page 49, after line 17, to insert:

There shall be held on the first Monday in June, 1919, at Pawhuska, Okla., a general election, at which there shall be elected a principal chief, assistant chief, and eight members of the Osage tribal council: *Provided*, That the principal chief, assistant chief, and four members of said council shall be full-blood Osage Indians, and four members shall be mixed-blood Osage Indians by blood, all as indicated on the approved rolls of said tribe, and shall be residents of the Osage Nation. In all cases where there is a tie in the vote of the council members on any matter, the principal chief, or in his absence, the assistant chief, shall have a vote. The officers so elected shall hold office for a term of two years from July 1, 1919, and such officers shall

be elected biannually thereafter, each election to be held under rules and regulations approved by the Secretary of the Interior, and no officers so elected shall enter upon duty until their election shall have been approved by the Secretary of the Interior. In case of vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the council, in accordance with the provisions of this act as to Osage blood, and with the approval of the Secretary of the Interior. The Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause to be by him determined. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. GORE. Mr. President, I make a point of order against that, on the ground that it is general legislation on an appropriation bill.

Mr. ASHURST. For the purposes of the RECORD, Mr. President, I want to say to my friend, the learned Senator from Oklahoma, that he is making a mistake, in my judgment. However, I do not want to put my opinion as to the condition in his State against his own opinion; but let me give the situation.

These Osages, if I understand the situation properly, are wealthy Indians. Each one of these 4,000 Indians has an income of \$2,200—each man, woman, and child.

Mr. CURTIS. They have an income of \$4,000 each.

Mr. ASHURST. Four thousand dollars. The half-breeds, it is asserted, overthrow the will of the full bloods, and very frequently when the full bloods, who are a splendid type of Indian, attempt to do something they are overthrown in their council or otherwise by the half-breeds. This has appealed to me as the most beneficent and just legislation, that four members of the council and the chief of the tribe and the assistant chief should be full bloods; and I appeal to my friend here, at this hour of midnight, when I have sat here, as I say, seven long days urging that this bill be brought up, to withdraw his point of order and let this legislation go to conference. It ought to go to conference.

Mr. GORE. Mr. President, in the abstract my sympathies would be with the full-bloods in a contest as against the half-breeds or the other Indians; but I object to this not only on the ground that it is general legislation but in the interest of world democracy. If these Indians are ever to learn to stand alone and to walk alone, we ought not to direct them as to whom they are to choose as their officers in an election. I did suggest to the chairman of the committee privately that if he would accept an amendment to this providing that all existing members of the senate and house of representatives should be reelected without opposition I would not make a point of order against it; but here we are undertaking to direct an election to be held amongst these Indians. They either ought not to be allowed to hold an election at all or else they ought to be allowed to hold an election.

Mr. ASHURST. Mr. President, facetiousness after 12 o'clock or near 12 o'clock is never pardonable except at banquets that are not "dry," and I am not going to indulge in anything of the kind.

The PRESIDING OFFICER. The Chair is ready to rule. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 50, after line 20, to insert:

All that part of the act approved June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," (34 Stat. L., 539), which reserves to the Osage Tribe the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is made in that act, is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe for the period ending December 31, 1956: *Provided*, That the minerals upon the allotted lands shall become the property of the individual owner of the surface of said lands at the expiration of said period unless otherwise provided for by act of Congress.

Mr. OWEN. Mr. President, I feel compelled to make a point of order against that, on the ground that it is general legislation on an appropriation bill.

Mr. ASHURST. Mr. President, I want to be heard on that. That is estimated for. It is in the big Book of Estimates. It is in the book which the Interior Department sent to the Treasury Department. It is on page 406 of the Book of Estimates; and, under our rules, if an item is estimated for, or reported favorably from a standing committee, it is impervious to a point of order.

The PRESIDING OFFICER. Will the Senator permit the Chair to inquire whether or not that rule would govern where it relates to legislation that is not purely of the character of an appropriation?

Mr. ASHURST. I think the Chair will find, if he will examine the rule, that legislation on an appropriation bill, if it

is estimated for by a department, is rendered impervious to a point of order.

Mr. OWEN. Mr. President, the Treasury Department can not put general legislation in an estimate without any appropriation of money. There is no money appropriated for this at all. It is purely legislation, without any appropriation at all.

Mr. CURTIS. Mr. President, I wish to say merely a word on the point of order. I do not think the amendment is subject to a point of order on the ground that it is general legislation. The act of 1906 reserved the oil, gas, and other minerals in the Indian tribe for 25 years, with the reservation that Congress should extend that time if it saw fit. Now, Congress is simply carrying out the act of 1906. It is not general legislation. It does not change existing law. It simply carries out the act, extending the time as the act authorizes.

I am not expressing myself on the merits of this amendment, because I will frankly say that it is one I have not fully made up my mind upon, as I stated in the committee. I have some doubt about it; but I must say that I do not think it is subject to a point of order.

Mr. OWEN. It certainly changes existing law and is subject to a point of order on that ground. You can not change existing law on an appropriation bill where the item does not appropriate any money.

Mr. JONES of New Mexico. Mr. President, as the Senator from Kansas has said, it is just an extension or rather carrying out of a provision of the act of Congress. It seems to me that if the merits of this proposition should be considered by the Senator from Oklahoma he would not be inclined to insist on his point of order. If I recall the testimony when this amendment was inserted, it developed this situation. The time for holding the oil in trust for the tribe was limited to a definite period. In operating those lands they sell a lease for a given specified time and as long as oil and gas may be found. It is the judgment of the department that that period of time will not enable the lessee to extract all the oil or gas. So when the leases are put up for sale the amount of bonus which is offered is very much limited by reason of that, and it ought to be. It is the purpose of this amendment to protect the Indians, to enable the Indians to get full value for their property.

Moreover, the surface of these lands has been allotted to different Indians. Some of it, and quite a lot of it, has passed into the hands of individual white owners, and under the terms of the statute all the mineral and oil which is in existence beyond this period of time becomes the property of the individual owner, and it would transfer to the individual owner the mineral right to take it away from the tribe, whereas the tribe has the full beneficial interest in it at present.

Of course, these allottees, the individuals whose land has been allotted and which has become immensely valuable, are very much interested in defeating this amendment, but I submit that for the good of the tribe, the women and children, the children yet unborn, these lands ought to be held for the benefit of the tribe and not be given away through negligence on the part of Congress to any other allottee or transferee of an allottee.

I submit, Mr. President, that the point of order can not be well taken, because it is incumbent upon Congress to look after that situation, and I think it is merely carrying out the intention of Congress. I hope the amendment is not subject to a point of order, because on the merits I was greatly impressed with the importance of putting this amendment on the bill.

Mr. OWEN. Mr. President, I did not undertake to discuss the merits of this matter. The merits of it would take considerable time to discuss. The fact is that the proposal to continually extend this time has prevented the officers of the Interior Department from properly leasing the land which has oil and to develop that oil as rapidly as it ought to be developed. The very reason why I am opposed to it on its merits is because I want the department to lease the land and have the land open for the production of oil so that those people may get the benefit of it while they are alive and not wait for some remote future period for the recovery of the oil values. We want to have our State developed. I think there is not a single Member of the Oklahoma delegation who is not opposed to extending this right at this time.

Mr. ASHURST. Mr. President, let me be heard for just a moment and offer a solution.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. OWEN. I shall yield the floor. I have made the point of order because it is identical with the Kickapoo case. I stand on the point of order.

Mr. ASHURST. I will be a member of the committee of conference. I have entire confidence in both Senators from Oklahoma to do absolute justice. Let the amendment go to

conference, and if we find that the department comes before the conferees, as the department will, and asserts that this legislation is absolutely necessary to protect the Indians' rights, as I believe it to be, although the trust period does not expire for some time yet—

Mr. GORE. In 1931.

Mr. ASHURST. Why not let it go to conference? The conferees will do substantial justice. I appeal to the Senator from Oklahoma to let it go to conference. I think that is a fair way to treat the matter. There it can be discussed. The argument made by the Senator from New Mexico, it seems to me, has great force, and I am sure it has appealed to every Senator sitting here. It is an argument of immense force.

Mr. CURTIS. I should like to read the provision of the law:

Provided further, That the oil, gas, coal, and other minerals upon said allotted land shall become the property of the individual owners of said land at the expiration of 25 years, unless otherwise provided by act of Congress.

The PRESIDING OFFICER. The Senator will pardon the Chair. Is it the Senator's contention that if there shall be a general statute designating the period within which lands may be opened it is not general legislation upon an appropriation bill to extend the period?

Mr. CURTIS. The contention I make is that the original act of Congress authorizes Congress to extend the time. Now, Congress is simply extending the time.

The PRESIDING OFFICER. Would not that be general legislation?

Mr. CURTIS. I think not.

The PRESIDING OFFICER. Why should it be taken from the class of general legislation because Congress is authorized to extend the time? Congress would have the power anyway without the authorization.

Mr. CURTIS. Congress would have the power, but the right is specially reserved in the act that we are extending, and, so far as general legislation is concerned, it applies only to one tribe of Indians and is not general at all in its character.

The PRESIDING OFFICER. The Senator will pardon the Chair. The Chair does not mean to be discourteous in interrupting the Senator.

Mr. CURTIS. I am glad to be interrupted by the Chair.

The PRESIDING OFFICER. The Chair desires to learn the rule correctly. Does the Senator think that in order to be general legislation it must extend to a multitude of persons or parties within the same class?

Mr. CURTIS. It has been the ruling both in the House and in the Senate that it was special and not general.

The PRESIDING OFFICER. The Supreme Court, if the Senator will pardon the Chair, has held, for instance, that legislation with reference to insurance companies, if it embraced all the insurance companies of that class, was general, in contradistinction to special legislation.

Mr. CURTIS. This applies only to one tribe. As I said, I simply expressed myself on the point of order. On the merits of the case I have not fully made up my mind, as I stated a minute ago, and I do not care to express any opinion.

Mr. ASHURST. I ask for the ruling of the Chair.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair thinks it is general legislation, and sustains the point of order.

The next amendment was, under subhead "Five Civilized Tribes," on page 51, line 10, to change the number of the section from 18 to 19; in line 12, after the word "employees," to strike out "\$185,000:" and insert "\$205,000, of which sum \$20,000 shall be immediately available"; and, in line 21, after the word "leases," to insert "excluding oil and gas leases," so as to read:

SEC. 19. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$205,000, of which sum \$20,000 shall be immediately available: *Provided*, That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That hereafter no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval.

The PRESIDING OFFICER. The amendment will be agreed to without objection.

Mr. OWEN and Mr. GORE. No.

The PRESIDING OFFICER. The Chair will put the question.

Mr. GORE. As the Chair perhaps observed, my colleague and myself both rose on this point. We are both very much opposed to this proposition, as is the entire citizenship of our State. I will state in a word the ground of our objection.

One-third of all the Indians in the United States live in the State of Oklahoma. The Five Civilized Tribes live in the State of Oklahoma. Some of them at least have always been civilized, as far back as their history runs or as knowledge of the white man extends in relation to those tribes. There are some 70,000 of these civilized Indians. They had a vast estate in that country. There is a Commission for the Five Civilized Tribes, appointed by the President and confirmed by the Senate. The present occupant of that office used to be the register of the Treasury, but he is an Indian by blood. Prior to that he was president of a college. He is one of the most exemplary men in the State of Oklahoma. I might almost say, as I could without extravagance, that he is an ideal man for this position. An Indian by blood, every impulse of his heart beats in sympathy with the interests of the Indian. There could not be a better guardian of their interests and their welfare.

There are vast mineral properties belonging to these Indians. These lands have been allotted in severalty. They are still leased, however, subject to the approval of the Interior Department; that is, so far as the restricted Indians are concerned. Certain Indians have had their restrictions removed. Other Indians are known as restricted Indians. Leases affecting their property must pass through the Interior Department and must obtain the approval of the Secretary of the Interior. There is an enormous amount of business originating in that section, involving millions of money.

I do not object, no one objects—indeed, I would insist as strenuously as anyone—that matters affecting the interests of the Indians which are contested ought to go through the Department of the Interior, or, at least, there ought to be an appeal to the Secretary of the Interior. But it is our contention that the detailed business which is uncontested ought to be subject to the approval of the commissioner for the five tribes, and if he is not a man qualified for that service then somebody ought to be appointed who is.

In our State at least we have grown weary of this long-range Government 1,600 miles away. In other days an Indian could not buy a set of chain harness without having the matter come to the Interior Department for approval. There has been some liberalization of those rules. Larger jurisdiction has been committed to the local authority in Oklahoma. When I say local authority I mean the Commission for the Five Civilized Tribes.

It is our contention that oil and gas leases which are uncontested ought to be subject to the approval of the Commission for the Five Civilized Tribes. Where there is a contest, where there is a protest, where there is a complaint, where there is a controversy, it ought to go, we will admit, to the Secretary of the Interior. When these uncontested claims come to the Department of the Interior here in Washington what is done? The report is made by appointees of the department in Oklahoma.

They look over the land, they investigate the situation, and they submit a report. Now, when there is no contest, why should not the Commission for the Five Civilized Tribes be permitted to pass judgment? Why oblige those papers to come to Washington through this tedious process and let a clerk here in the Interior Department, with a record submitted by the appointee of the department sooner or later, pass judgment upon a matter that is not in controversy and that is not contested?

Now, we are merely insisting upon a larger measure of local government, only that measure of local government which would not impair or jeopardize the rights or the interests of the Indians. This way of centralizing authority at some remote state of government, withdrawing it from local authorities, is not consistent with the alleged spirit of the times.

Mr. ASHURST. The amendment is not subject to a point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ASHURST. Mr. President, much as I regret to take five minutes or even two minutes at this unseasonable hour, my duty requires me to say that I earnestly appeal to every Senator here to vote for this amendment. With all the earnestness I am capable of summoning I appeal to every Senator here to vote for the amendment and for the reason I shall state.

I mean no reflection on the splendid delegation from the State of Oklahoma in the House and in the Senate, but here is the situation: Lands that contain immense stores of oil and gas are becoming progressively more valuable each year. I assert that leases, contested or uncontested, which propose to lease lands valuable in coal or oil or gas should be passed upon by the Department of the Interior.

I have a record before Congress of being a most inveterate opponent of all kinds of red tape. I am opposed to red tape, but there are matters which are infinitely serious that run to the

very vitals of legislation. On a matter of this seriousness, much as I like to disagree with my esteemed friend from Oklahoma, I am profoundly convinced that the Senate would make a grievous and serious error if it were to leave the jurisdiction of passing upon oil and gas leases to the commissioner in Oklahoma. The pressure in my State is intense upon him. We ought to relieve the agent down there, able, honorable, and conscientious though he is, from the pressure that will be put upon him to approve this lease or that lease. He ought not to be required to run the fire that all politicians are obliged to run. We have to run certain gantlets ourselves.

We ought not to require that agent down there to do it. I am here to testify that he is an able and honest and resourceful man, but the duties that are required of him are too vast; they are too great, too enormous in extent, fraught with too much consequence, to leave it to his judgment alone.

I am not going, for reasons that will be obvious, to have the roll called on the amendment, and I could have no personal interest in the matter. I am about to leave the chairmanship of the Committee on Indian Affairs. It is a splendid committee. We have had our quarrels and we have had our differences and have shaken our fists at times at each other, but we are all animated by the same desire to do good to these tribes, to try to save all the property for tribes of Indians who are unable to withstand the advancing white man's methods of civilization. We have done it to an immeasurable extent. In the past 8 or 10 or 12 years the Indians' property rights have been safeguarded.

As to this tribe of Indians in Oklahoma, I had a letter just a few days before he died from Joseph H. Choate, distinguished lawyer and statesman. I think the last letter he ever wrote was a letter which he addressed to me as chairman, which I put into the Record, urging me last year not to consent to any legislation which would leave such stupendous burdens upon the local agent in Oklahoma.

I have large respect for the Senators who oppose the amendment, but my personal respect and affection for men must be subordinated to what I believe to be my duty. I am going to leave this chairmanship and pass it over, I believe, to better hands, and I should profoundly regret that the last bill I am to pilot through the committee and through the Senate is a bill which would not contain this amendment, which means so much to the Indians of Oklahoma. I say this with the greatest respect to Oklahoma's two Senators. They are statesmen of a high type, and I do not blame them for standing here and battling for what they conceive to be in the interest of their State and their people; but there is a duty that we have to perform as trustees for these Indians, and I ask the Senate to adopt this amendment.

Mr. OWEN. Mr. President, these lease forms are printed forms with all the safeguards that the department could conceive of written into them. When these lands are leased to people who want to take the chance of drilling on them and there is no contest whatever, no question arising, after all, some employee of the Government puts his approval on the lease and writes "O. K.," and it goes. Whether that is done by a clerk at Muskogee or a clerk in the Pension Office Building here or in the building on Eighteenth Street is immaterial, except in the matter of time, requiring the mail to come here, over sixteen hundred miles, and to go back sixteen hundred miles, thus putting these people under a long-range government. After all, it is a question of human agency passing upon it. These forms are printed and the examination is made by a local officer down there. Mr. Parker receives the same salary as does the Commissioner of Indian Affairs and is a man of equal ability. It is only to relieve the State from this long-range government; that is all. The entire Oklahoma delegation desire to have the work there facilitated. There can be no danger of any harm to any of the Indians. Whatever values are there which might be developed under speculative drilling contracts will be developed under the one case as well as under the other. So we appeal to the Senate to sustain the Oklahoma delegation in their wishes on this matter and to reject this amendment. It says "uncontested."

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, line 24, after the word "leases," to insert "except oil and gas leases," so as to read:

But all such undisputed claims or uncontested leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

The amendment was agreed to.

The next amendment was, on page 52, line 25, after the word "act," to insert "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate the claim not to exceed \$200 growing out of a contract between John Calvin Gray as an enrolled member of the Choctaw and Chickasaw Nations and Henry W. Blair as attorney, and in case such claim is found to be valid and the contract approved in accordance with existing law, the said Secretary may, in his discretion, apply any amount that may be found due under this paragraph, or from any funds standing to the credit of said John Calvin Gray as an enrolled member of the Choctaw Nation to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference thereto," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$150 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate the claim not to exceed \$200 growing out of a contract between John Calvin Gray, as an enrolled member of the Choctaw and Chickasaw Nations, and Henry W. Blair, as attorney, and in case such claim is found to be valid and the contract approved in accordance with existing law, the said Secretary may, in his discretion, apply any amount that may be found due under this paragraph, or from any funds standing to the credit of said John Calvin Gray as an enrolled member of the Choctaw Nation to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference thereto: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after "\$85,000," to insert:

Provided, That when any probate attorney shall render service of a legal nature in connection with any estate of a restricted allottee or his heirs, wherein such estate is of the value of \$1,000 or more, the court having jurisdiction thereof shall allow from the estate a reasonable fee which, in his discretion, is sufficient to cover the value of the service so rendered, and the amount so allowed shall be accounted for and paid into the Treasury of the United States, and report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday of December of all moneys collected and deposited as herein provided.

Mr. OWEN. I make the point of order on that amendment that it is general legislation changing existing law. The United States is paying these probate attorneys, and there is no reason why they should tax the Indian estates in addition to the salaries they are receiving.

The PRESIDING OFFICER. It seems to the Chair that the point of order is well taken, and it is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 55, line 2, after the word "of," to strike out "this" and insert "the"; and in the same line, after the word "act," to insert "of May 25, 1918 (40 Stats., p. 564)," so as to make the clause read:

The sum of \$225,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1920: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat., p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 55, line 21, before the word "That," to insert:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$25,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat., L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed \$2,500 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*—

So as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$25,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat., L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed \$2,500 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1920, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes, without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1920, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

The amendment was agreed to.

The next amendment was, on page 57, after line 11, to insert:

For the salaries and expenses of not to exceed four oil and gas inspectors and necessary clerks and field assistants, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted and tribal lands in the State of Oklahoma from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, \$17,500: *Provided*, That this amount shall be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe from the royalties received for the benefit of the Indian allottees.

Mr. GORE. I make the point of order that this amendment is general legislation. It is similar in character to the one as to which the Chair just sustained the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 58, line 3, after the word "Congress," in parentheses, to strike out, "*Provided*, That this item shall not prohibit other sales as provided by existing law," so as to make the clause read:

That the Secretary of the Interior is authorized to reoffer for sale between September 15, 1919, and November 15, 1919, the unsold and forfeited tracts of coal and asphalt deposits in the Choctaw and Chickasaw Nations upon the same terms and conditions as provided in the act of February 8, 1918 (Public. No. 98, 65th Cong.).

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

That the sum of \$1,666.65 is hereby appropriated, out of any money in the possession of the United States belonging to the Choctaw Tribe of Indians not otherwise appropriated, to reimburse William R. McIntosh for services rendered as coal and asphalt mining trustee for the Choctaw Nation during the months of October, November, and December, 1915, and January and February, 1916: *Provided* that no part of such sum shall be payable to William R. McIntosh for which disbursement there is any authorization by existing law.

Mr. GORE. Mr. President, I desire to offer an amendment to this amendment. I will explain it to the chairman, though I have already explained it to him.

I presented the two matters to the Committee on Indian Affairs. One embodied in the bill is in behalf of Mr. McIntosh and embodies an appropriation of \$1,666.65, while the one which I send to the desk is in behalf of Mr. Moore and is for \$392.60. They stand exactly on the same footing.

Mr. ASHURST. It comes out of the Indian funds and not out of the Treasury, and the Indian tribe favors it.

Mr. GORE. I understand the tribe desire it to be done. It is an obligation that can not be paid without legislation, and the services were rendered. I filed both sets of papers at the same time with the Committee on Indian Affairs, but the chairman of that committee says that this set of papers was, for some reason, overlooked.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to add to the amendment of the committee the following:

That the sum of \$392.60 is hereby appropriated, out of any money in possession of the United States belonging to the Chickasaw Tribe of Indians not otherwise appropriated, to reimburse Jacob B. Moore, of Ardmore, Okla., for probate expenses incurred and paid by him in the performance of his duty as attorney for the Chickasaws under a contract between him and Douglas H. Johnston, governor of the Chickasaw Nation, approved by the President of the United States December 1, 1913.

The PRESIDING OFFICER. It seems to the Chair that this amendment ought to be submitted as an independent amendment, but if there is no objection the Chair will treat it as an amendment to the committee amendment. The Chair hears none. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oregon," on page 59, line 9, to change the number of the section from "19" to "20."

The amendment was agreed to.

The next amendment was, on page 60, line 3, after the word "employees," to strike out "\$4,000" and insert "\$3,000," so as to make the clause read:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, \$3,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 7, to insert:

That the Secretary of the Interior is hereby authorized and directed to investigate the claim of Charles S. Hood, a Modoc Indian, for services rendered in securing the restoration and enrollment of the Modoc Indians of Oklahoma as members of the Klamath Tribe of Indians of the State of Oregon, and to report to Congress at the next session what amount, if any, of money is equitably due him under the petition of the Modoc Indians, addressed to the Commissioner of Indian Affairs, dated September 9, 1911 (file No. 84276).

The amendment was agreed to.

The next amendment was, on page 60, after line 17, to insert:

That where the issuance of trust patents for certain allotment selections on the Klamath Reservation, in Oregon, has been withheld for the reason that the lands so selected were found to be more valuable for their timber than for agricultural or grazing purposes, the Secretary of the Interior, in his discretion, is authorized to confirm such selections and to cause trust patents to be issued therefor under existing laws.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," on page 61, line 2, to change the number of the section from "20" to "21."

The amendment was agreed to.

The next amendment was, on page 61, line 9, after "\$6,000," and insert "for repair and improvement of artesian well, \$10,000," and in line 10, after the words "in all," to strike out "\$64,250" and insert "\$74,250," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, \$58,250; for general repairs and improvements, \$6,000; for repair and improvement of artesian well, \$10,000; in all, \$74,250.

The amendment was agreed to.

The next amendment was, on page 62, line 12, after the word "employees," to strike out "\$14,000" and insert "\$9,000," so as to make the clause read:

For subsistence and civilization of the Yankton Sioux, S. Dak., including pay of employees, \$9,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

The Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury of the United States the sum of \$140,000, or so much thereof as may be necessary, of the tribal funds of the Rosebud Sioux Indians accruing under the act of May 30, 1910 (36 U. S. Stats. L., p. 448), and to use the same for the purpose of making a per capita payment of \$25 to the Indians entitled thereto, under such rules and regulations as he may prescribe, and he is further authorized to withdraw from the Treasury the additional sum of \$25,000 of said funds for the purchase of cattle for the Rosebud Indians on the reimbursable plan, also under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "Utah," in line 16, to change the number of the section from 21 to 22.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 65, line 18, to change the number of the section from 22 to 23.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

For beginning the construction of diversion dams and canal systems for irrigating 12,000 acres of Indian land adjacent to Toppenish and Simcoe Creeks, Yakima Indian Reservation, \$100,000, to be immediately available and to remain available until expended, the total cost not to exceed \$150,000: *Provided*, That the cost of the diversion dams and distributing systems shall be reimbursed to the United States by the owners of the lands irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix operation and maintenance charges, which shall be paid as he may direct: *Provided*, That if any allottee shall receive patent in fee to his allotment before the amounts so charged against him shall have been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be

refused within the discretion of the Secretary of the Interior until all dues are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

Mr. OWEN. Mr. President, I should like to ask the chairman of the committee if this amendment was recommended and favorably reported by the Interior Department? I refer to the Yakima irrigation project amendment.

Mr. ASHURST. Yes; it is earnestly recommended by the Interior Department. I recall it very well, but I can not turn for the moment to the page of the hearings in which it was recommended.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 69, after line 14, to insert:

That the Secretary of War and the Secretary of the Interior are hereby authorized and directed immediately to investigate, and to report to Congress at its next session, the advisability and necessity of acquiring with a view to returning to the dispossessed Indians, from the authorities of Pierce County, Wash., those several tracts of allotted Nisqually Indian lands, Nisqually Reservation, Wash., aggregating approximately 3,200 acres which were acquired under a compromise agreement of April 18, 1918, between said Secretaries of War and the Interior for the sum of \$78,400 from the said Nisqually Indians by said county of Pierce for War Department purposes, and which said lands were by decree of May 6, 1918, of the local State court awarded in fee to the said county of Pierce for the purpose of transferring title thereto to the War Department as an addition to Camp Lewis.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 70, line 7, to change the number of the section from 23 to 24.

The amendment was agreed to.

The next amendment was, on page 70, line 14, after "\$8,000," to insert "for drainage of school land, \$2,500"; and in line 15, after the words "in all," to strike out "\$71,875" and insert "\$74,375," so as to make the clause read:

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, \$63,875; for general repairs and improvements, \$8,000; for drainage of school land, \$2,500; in all, \$74,375.

The amendment was agreed to.

The next amendment was, on page 70, after line 20, to strike out:

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, \$75,000, or so much thereof as may be necessary, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in House Document No. 830 (60th Cong., 1st sess.), and the Secretary of the Interior is hereby authorized to expend the said sum in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting.

And insert:

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June 30, 1913, \$15,500, or so much thereof as may be necessary, said sum to be immediately available and to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in House Document No. 830 (60th Cong., 1st sess.), and the Secretary of the Interior is hereby authorized to make a per capita payment of \$50 to said Indians out of said funds: *Provided*, That no further expenditures be authorized or made under appropriations heretofore enacted making provisions for the purchase of land and the clearing of same for said Pottawatomie Indians.

The amendment was agreed to.

The next amendment was, on page 72, after line 5, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, to be expended under the supervision of the Commissioner of Indian Affairs in the purchase of subsistence supplies in relieving cases of actual distress and suffering among those needy St. Croix Indians of Wisconsin whose cases are referred to in report of January 30, 1915, transmitted by the Secretary of the Interior to the House of Representatives March 3, 1915, pursuant to the provisions of the act of Congress of August 1, 1914 (38th Stat. L., pp. 582 to 605), and printed as House Document No. 1663, Sixty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 72, after line 17, to insert:

That to carry out the provisions of the Chippewa treaty of September 30, 1854 (10 Stat. L., p. 1109), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$141,000, in full settlement of the claims against the United States of the St. Croix Chippewa Indians of Wisconsin whose names appear upon the final roll prepared by the Secretary of the Interior pursuant to the said act of August 1, 1914, and which final roll is contained in the said report of the Secretary of the Interior, March 3, 1915, and in said House Document No. 1663.

That the Secretary of the Interior is hereby authorized and directed to distribute said fund of \$141,000 per capita among said Indians appearing upon said final roll, or, in his discretion, the per capita share of each of said Indians may be credited to him and expended by said Secretary for his benefit in such manner, including the purchase of land, as he may deem proper: *Provided*, That no part of the funds hereby appropriated shall be paid to any person or persons as attorney's fees: *Provided further*, That where any of said enrolled Indians have died since enrollment the Secretary shall ascertain and pay their pro rata shares to their proper distributees, under such rules and regulations as he may prescribe: *And provided further*, That one-half of said sum shall be expended in the purchase of land in northern Wisconsin for agricultural purposes, such land to be allotted to said St. Croix Chippewa Indians, each Indian to receive land to the value of one-half of his distributive share in the fund appropriated by this act, patents therefor to be issued in accordance with the general allotment laws of the United States. The land so selected shall be situated in organized school districts, and not be purchased in bodies of more than one section, and said bodies shall not adjoin each other. Such land shall be selected by an agent of the Indian Office familiar with lands in northern Wisconsin and an agent to be selected by said St. Croix Chippewa Indians. If these two disagree as to the value or desirability of any particular tract of land, they shall agree upon a third person, who shall act with the two agents aforesaid in determining such matter of disagreement. No land shall be purchased hereunder unless and until the purchasing agents, together with said third person so selected, shall in person go upon each tract so purchased.

That the Secretary of the Interior is hereby authorized and directed to strike from said final roll the name of Maggie Staples, No. 39 thereof, and also strike therefrom the name or names of any other Indians who shall hereafter be found to have received an allotment of land on any Indian reservation: *Provided*, That no part of the money hereby appropriated shall be paid to any of the persons whose names shall be so stricken from the final roll by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 74, after line 19, to insert:

For the construction of a road from the village of Odanah, in the Bad River Reservation, to the south line of said reservation, \$20,000, to be expended under the direction of the Secretary of the Interior, said sum to be reimbursable under such rules, regulations, and conditions as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior may cooperate with the State of Wisconsin in the construction of said road.

The amendment was agreed to.

The next amendment was, on page 75, after line 2, to insert:

That the relinquishment executed on the 8th day of May, 1914, at Hayward, Wis., by John Stone, a member of the Lac Court d'Oreilles Band of Chippewa Indians, by which he relinquished all his right, title, interest, and inheritance to the allotment of Maggie Grover, deceased, allotment No. 761 of said band of Indians, and described as follows: The west fractional one-half of the northwest quarter of section 18, in township 39 north, of range 8 west of the fourth principal meridian, Wisconsin, containing 74 acres and seventy-three one-hundredths of an acre, be, and the same hereby is, validated, and that the Secretary of the Interior be, and he hereby is, authorized to issue a patent to the above-described land to Steve Grover, the father of the aforesaid Maggie Grover, deceased.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," on page 75, line 19, to change the number of the section from 24 to 25.

The amendment was agreed to.

The next amendment was, on page 77, line 18, to change the number of the section from 25 to 26.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CURTIS. On page 78, line 21, I suggest to the chairman of the committee that the appropriation of \$301,000 be reduced to \$151,000. The item relates to the Crow Indians.

Mr. ASHURST. The Senator is entirely right about that.

Mr. CURTIS. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 78, line 21, after the word "Crow," it is proposed to strike out "\$301,000" and insert "\$151,000."

The amendment was agreed to.

Mr. OWEN. Mr. President, I offer an amendment providing as follows:

The Secretary of the Interior is hereby authorized and directed to pay to Victor M. Locke the sum of \$1,290.26 as balance in full due him for salary and expenses as principal chief of the Choctaw Nation.

That amendment was given to me by one of the Members of the House. I do not know what the facts are, but I assume that it is all right.

Mr. ASHURST. I have no objection to the amendment.

The PRESIDING OFFICER. At what part of the bill does the Senator desire the amendment inserted?

Mr. OWEN. On page 51, after line 8.

The PRESIDING OFFICER. Two paragraphs went out there on a point of order, so that the amendment will come in on page 49, after line 17.

Mr. OWEN. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I want to offer a slight amendment that I ought to have spoken to the chairman about, but I have not. I have been so busy that I have overlooked it. This is a matter that I think probably has been called to the attention of the committee by this Mr. Bishop who is here representing the Indians of the Northwest, especially those of northwest Washington.

There are a great many old and indigent Indians in Washington who have to be cared for by their relatives, and also many of them by the county, and I am going to propose an amendment which I know is subject to a point of order. I do not think it is estimated for, but I hope the chairman will allow it to go in, so that it may be considered in conference, because I understand the department is favorable to the proposition that I am going to suggest.

Mr. ASHURST. I will ask the Senator kindly to present it.

Mr. JONES of Washington. It is on page 6, line 9, where I propose to increase the \$375,000 to \$385,000, and insert:

Of which \$10,000 shall be used for the care and support of old and indigent Indians in western Washington.

Mr. ASHURST. I have no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, line 9, it is proposed to strike out "\$375,000" and insert:

\$385,000, of which \$10,000 shall be used for the care and support of old and indigent Indians in western Washington.

The amendment was agreed to.

Mr. ASHURST. Will not that require some other change in the phraseology?

Mr. JONES of Washington. I think not.

Mr. ASHURST. Very well. Mr. President, there are a few other amendments—one or two.

I call attention to page 61; and I wish to say, first, that the Senator from South Dakota [Mr. STERLING] had some amendments, and I do not recall that he handed to the chairman copies of the amendments. If he did, I have, unfortunately, in the general confusion, misplaced the amendments; but I know that on page 61, line 5, he desires to have the numerals "\$8,000" changed to "\$10,000." I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 61, line 5, strike out "\$8,000" and insert "\$10,000" and change the total accordingly.

The amendment was agreed to.

Mr. ASHURST. Now, Mr. President, I offer, on behalf of the Senator from South Dakota, the matter which I send to the desk, which has already passed the Senate, to be added to the bill, and ask that it be inserted at the appropriate place at the end of the South Dakota items.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 63, after line 14, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authorities of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I have one other amendment, which has been sent to me from the Department of the Interior since the bill was reported. I ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The SECRETARY. On line 3, page 6, after the word "six," it is proposed to insert the following:

Provided further, That the provisions of Article IX of the agreement with the Nez Perce Indians of Idaho, dated May 1, 1893, and ratified and confirmed by the act of Congress approved August 15, 1894 (28 Stat. L., 286-330), prohibiting the sale of intoxicating liquors to those Indians or its introduction upon their lands, are hereby extended for the period of 10 years.

The amendment was agreed to.

Mr. ASHURST. I ask that the justification of the amendment be placed in the Record.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

JUSTIFICATION.

Said Article IX of the agreement with the Nez Perces is as follows: "It is further agreed that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of 25 years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and

that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians."

As the 25-year protection would expire on August 15 of this year (1919), it is desired that the proposed item of legislation be enacted in order that said Indians and lands be protected for a further period of 10 years. This legislation should be enacted without regard to what is done in the matter of general prohibition in order that there may be no possible chance of there being a period following August 15, 1919, when said Indians and their lands are not protected by the provisions contained in said section 9.

DENVER, COLO., February 24, 1919.

INDIAN OFFICE, Washington:

Nes Perce agreement extending liquor provisions to former Nes Perce Reservation included ceded lands expires August 15 next. If possible urge that you have proviso inserted in present Indian appropriation bill extending prohibition provisions 10 years from that date. This is very important in order to protect Nes Perce Indians. Superintendent Bred here to-day concurs in urging immediate action on this matter.

LARSON.

Mr. ASHURST. That completes, as far as the chairman is concerned, the amendments presented originally from the floor.

Mr. OWEN. Mr. President, I want to call attention to an amendment which I am requested to present to the Senate, providing for payment to Stuart, Lewis, Gordon & Rutherford. I send the amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 57, after line 11, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stuart, Lewis, Gordon & Rutherford, out of any funds in the Treasury of the United States belonging to the Creek Nation, the sum of \$7,000, being in full settlement of the claim of the said Stuart, Lewis, Gordon & Rutherford against the said Creek Nation for legal services rendered the said Creek Nation employed by authority of an act of the national council of the Creek Nation, approved January 7, 1898, the said sum of \$7,000 having been appropriated in payment of said services by an act of the national council of the Creek Nation, approved October 18, 1900.

Mr. OWEN. Mr. President, at the time these services were rendered the Creeks were making their negotiations with the United States with regard to allotting their country, and these attorneys represented them and advised with them while they were negotiating, on the other hand, with representatives of the Interior Department.

They appropriated the money for the payment of this bill by an act which I will submit for the RECORD, and all the papers bearing upon it, together with the reports of Mr. John Wright, who passed upon it on the 17th of October, 1900; but at that time the acts had to be approved within 30 days by the President of the United States under an act of Congress. The matter came up to the President on the last day of the 30 days, with a recommendation by the Secretary of the Interior, on a technical ground, against the payment, so that they have never been paid for it.

The Creeks wanted them paid, and the Government officers recognized that they had rendered the service; and the matter has been favorably reported in the House of Representatives, to accompany H. R. 906. I ask to have the report of the House committee put into the RECORD. I do not know whether or not the chairman had occasion to examine this report.

Mr. ASHURST. I know in a general way about the claim. It is against the Creek Indians?

Mr. OWEN. It is against the Creek Indians.

Mr. ASHURST. The Indians have no objection—that is my information—and I have no objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Oklahoma will be printed in the RECORD.

The matter referred to is as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 906) making an appropriation from the tribal funds of the Creek Nation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation of Indians, having carefully considered the same, reports the bill back without amendment and recommends that the bill do pass.

Your committee find—

That Stuart, Lewis, Gordon & Rutherford in 1898 were a firm of eminent lawyers in the Indian Territory, now Oklahoma; that the Creek Nation was one of the Five Civilized Tribes; that by an act of the constituted authorities of the Creek Nation through its council, approved by the principal chief, of date January 7, 1898, the Creek Nation authorized the employment of said firm to represent the Creek Nation in all matters before the various courts and the departments; and that the said firm rendered services satisfactory to the Creek Nation in the making and approval of the early treaties, represented the nation in suits before the various courts, and in all things advised the Creek authorities in compliance with the terms of their contract.

That the Creek Council by an act approved by the principal chief on October 22, 1900, appropriated the sum of \$7,000 in payment of said services rendered; that when said act of the Creek Council approved January 7, 1898, was passed it was not necessary to have same approved by the President of the United States; that before the act of October 22, 1900, making the appropriation to compensate said attorneys for their services was passed by the Creek Council, Congress, by the act of June 28, 1898, made the approval of all acts of the Creek Council by the President of the United States necessary before said acts were effective; and that this act was recommended for disapproval by the Secretary of the Interior purely upon technical grounds.

Inasmuch as the Creek National Council had the authority by the act of January 7, 1898, to employ said firm, and inasmuch as there appears to be no dispute but that the services were rendered in accordance with the contract satisfactory to the Creek authorities, and inasmuch as the Creek National Council after investigation appropriated by the act of October 22, 1900, \$7,000 in payment of said services, we recommend that the bill do pass.

Attention is invited to the last paragraph of a letter dated November 16, 1900, of the Commissioner of Indian Affairs transmitting said act of the Creek Council appropriating the aforesaid money, which is as follows:

"It may be proper, however, to add that the said beneficiaries have rendered services to the Creek Nation and the Creek people appear to be anxious to pay for such services, and that, therefore, the act should, if no objection thereto appears, receive the approval of the President."

The following letter of the Secretary of the Interior gives a history of the subject matter of the bill and shows the present attitude of the Interior Department:

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1916.

MY DEAR MR. STEPHENS: In response to your request of February 17, 1916, for a report on H. R. 10872 for the information of your committee, which is entitled "A bill making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation," introduced in the House of Representatives on February 4, 1916, by Mr. HASTINGS, of Oklahoma, I have the honor to transmit herewith a copy of an act of the Creek National Council adopted by the house of warriors on October 17, 1900, concurred in by the house of kings on October 18, 1900, and approved by P. Porter, principal chief of the Creek Nation, on October 18, 1900, which had heretofore been submitted to the President and was disapproved on November 17, 1900, by the then President William McKinley.

It appears from the records of the Indian Office that said claim is based upon alleged services rendered by Stuart, Lewis, Gordon & Rutherford at the special instance of the then Creek chief, Ispahcheher, the incumbent prior to P. Porter, his successor as principal chief of the Creek Nation, and said services are alleged to have been rendered to protect the rights of the Creek people.

All the information contained in the records of the Indian Office bearing on the merits of the claim are to be found in letters, copies of which are transmitted herewith for the information of your committee.

(a) Letter of Stuart, Lewis, Gordon & Rutherford, attorneys at law, South McAlester, Ind. T., dated November 1, 1900.

(b) Letter of P. Porter, principal chief of the Creek Nation, Muskogee, Ind. T., dated November 7, 1900, addressed to the United States Indian Inspector.

(c) Letter of J. George Wright, United States Indian inspector for the Indian Territory, dated November 15, 1900.

(d) Letter of the Commissioner of Indian Affairs, dated November 16, 1900, to the Secretary of the Interior.

(e) Letter of the Secretary of the Interior, dated November 17, 1900, submitting the contract to the President for his disapproval because it was not executed or approved as required by section 2103, Revised Statutes.

(f) Letter of the Acting Secretary of the Interior, dated November 19, 1900, returning to the Commissioner of Indian Affairs for proper disposition the act of the Creek National Council proposing to appropriate \$7,000 for the payment of the services of said attorneys, which was disapproved by the President on November 17, 1900.

In view of the record of disapproval by the President on November 17, 1900, of the claim as then presented by said attorneys, and as 15 years have elapsed since the disapproval without any further action being taken by said attorneys to renew the claims, which seem to be without merit, I recommend that no further action be had on H. R. 10872.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

HON. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SOUTH McALESTER, IND. T., November 1, 1900.

HON. J. GEORGE WRIGHT,
United States Indian Inspector, Muskogee, Ind. T.

DEAR SIR: Your letter of October 31, asking us to submit to you a statement of the legal services rendered by us to the Creek Nation, beginning on or about the 7th day of January, 1898, is at hand. In reply, we beg leave to state that from January, 1898, we represented the Creek Nation of Indians in all matters pertaining to the powers of their tribal government. We have been before the United States Court for the Northern District of the Indian Territory at Muskogee in many cases touching the law of interior pastures. Among the cases involving the construction of this law were *Baldrige Brothers v. Creek Nation*, *W. F. Crabtree v. Creek Nation*, *D. A. Lee v. Creek Nation*, and others.

We appeared for and represented the Creek Nation in many cases touching their schools and adjusted many conflicts between their school officers and other authorities of the Creek Nation. We represented the Creek Nation and appeared in court in many cases touching the question as to whether or not the passage of the Curtis bill had the effect of discharging all persons convicted by the Creek tribunals, the Curtis bill having no saving clause with reference to these pending suits. Some of these cases we were compelled to follow to the United States Court of Appeals for the Indian Territory. We represented the Creek Nation in negotiating a treaty with the Dawes Commission. We encouraged in every way the making of this treaty, and one member of our firm was present nearly every time the treaty was under considera-

tion. The time finally came for the approval of the treaty, and a member of this firm was present, and the delegates from the Creek Nation and members of the Dawes Commission, and every provision of the treaty was gone over one by one, and the approval of the Indians was secured. We feel that we were largely instrumental in bringing these people to a point where they would treat at all with the United States Government, the former chief, Ispahcheer, being especially stubborn in regard to these matters.

During the period of these services we were compelled to visit the town of Okmulgee during several sessions of the council and visited the different courts trying and hearing the issues above mentioned; this required much time and the expenditure of much money. All of these services were rendered by us at the special instance and request of the Creek chief, Ispahcheer, and were necessary to be performed in order to protect the rights of the Creek people.

The Creek treaty negotiated between the Creek people and the Dawes Commission, to which we referred above, did not finally become effective, although adopted by the Creek people; but, as is well known, it was largely the model and basis for the subsequent treaty actually made and now pending before Congress.

As stated above, the Creek full bloods were much averse to treating with the Government at all, and we believe that it will be conceded on all hands that the services rendered by us in bringing these full bloods to an appreciation of their position and fostering a friendly spirit between them and the United States Government led up to and was the prime cause of the treaty finally being made. Since the negotiation of the treaty above referred to opposition in reaching an agreement with the United States Government on the part of the full bloods has well-nigh passed away, only a few still holding out.

From January, 1898, until Chief Porter was elected we were constantly in the service of the Creek Nation. We were offered many cases against the nation which would have been lucrative to us, but we could not, of course, accept any employment of this nature, being disqualified by virtue of our employment by the Creek chief.

We have not been paid for our services, and you are doubtless familiar with the facts touching our surrender to the Government, through you, of warrants held by us. We may add that this appropriation was passed at Okmulgee through the Creek Council by practically a unanimous vote, and we are quite sure that the council, together with the present chief, were not only willing but anxious that we be paid, this appropriation being in full settlement of all claims held by us against the Creek Nation for legal services.

If you require us to make any further statement, please let us know without delay, as we are anxious to conform to the requirements of the department in this regard.

Very truly, yours,

STUART, LEWIS, GORDON & RUTHERFORD,

MUSKOGEE, IND. T., November 7, 1900.

Hon. J. GEORGE WRIGHT,
United States Indian Inspector, Muskogee, Ind. T.

SIR: In reply to your letter of the 31st ultimo asking information about the appropriation made by the National Council of the Creek Nation, just adjourned, in favor of Stuart, Lewis, Gordon & Rutherford, to pay them for services as attorneys for the Creek Nation, I have to state that their claim for services was presented to the executive office with the request that it be transmitted to the council for consideration; and inasmuch as it had prior to that time been presented to the council by my predecessor, Chief Ispahcheer, and as it was a matter that arose during his administration, I referred the council to him and to Rokey McIntosh and David Anderson, the latter two gentlemen being at that time delegates of the Creek Nation, for information respecting the matter, and the council passed the act after due investigation (as I presume) by a committee appointed by the council for the purpose, and the act was signed by me as an act of the national council.

In submitting the matter to the council I requested them to give it consideration, and should they find that if in honor they were bound for the payment of it they should make the necessary appropriation, as claims of that character grow with age.

Should the department approve of this course of the Creek Council, such approval will be satisfactory to me.

Very respectfully,

P. PORTER,
Principal Chief Creek Nation.

DEPARTMENT OF THE INTERIOR,
Washington, November 15, 1900.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to transmit herewith an act of the Creek Council, approved by the principal chief on October 22, 1900, which appropriates the sum of \$7,000 in favor of Messrs. Stuart, Lewis, Gordon & Rutherford, attorneys at law, employed by authority of an act of the National Council of the Muskogee Nation, approved by the principal chief January 7, 1898, said sum to be in full settlement of all claims against the Muskogee Nation under any contract made under said act, and provides that the same shall be paid out in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

Attached to this act is a certificate from the clerk of the house of kings (senate), showing that the vote in favor of this act by said body was 21 to 7, and that in the house of warriors (representatives) the same passed by a vote of 72 to 1.

In connection with this act I have the honor to report that the act of the Creek Council, approved by the principal chief January 7, 1898, appropriated \$20,000 for the employment of attorneys to represent the Creek Nation and authorized the principal chief to enter into a contract for such a purpose, and a contract, dated March 3, 1898, was entered into with Stuart, Lewis, Gordon & Rutherford by the then principal chief of the Creek Nation whereby they were to represent the Creek Nation in all matters pertaining to their interest and affecting their government before the Congress of the United States and the departments at Washington, and especially to represent said nation in all habeas corpus matters then pending before the court of Indian Territory, in consideration for which they were to be paid \$20,000.

In partial payment thereof this firm was paid in Creek warrants \$8,000, but the act of the council appropriating such money not having been submitted to the President for approval, as required by law, and as the contract with these parties had also not been submitted to the department as required by section 2103 of the Revised Statutes, they were advised, under date of June 29, 1899, by the honorable Secretary of the Interior, that such contract came within the provisions of section 2103 of the Revised Statutes and was, therefore, considered null and void because not executed and approved as re-

quired by that section, and they were furnished a copy of an opinion, dated June 27, 1899, rendered by the Assistant Attorney General and approved by the honorable Secretary, to that effect.

Said attorneys were, therefore, requested to deliver to me, within 10 days from the receipt of my communication, for the use and benefit of the Creek Nation, all the money, warrants, evidences of indebtedness, and other things of value received by them, directly or indirectly, from the Creek Nation under said contract.

In compliance therewith, as per my report dated July 27, 1899, this firm returned to me \$5,988.50, and subsequently, as per my communication of February 23, 1899, I forwarded a communication from them, asking that they be allowed 30 days' additional time to submit further facts with reference to the balance, \$2,000, which they had received. I was advised by the department, under date of October 16, 1899, that their request to retain the \$2,000 for services rendered could not be considered, and that they must comply with the demand to return all moneys received by them under said contract.

Subsequently I was informed personally by the honorable Secretary that I might allow them a reasonable length of time to return this \$2,000, in view of the fact that they had promptly returned \$5,988.50, and in further view of their expressions to me that they were not able to deliver the balance at that time.

The total amount paid them up to that time was \$8,000, in warrants of \$1,000 each. One of these warrants, however, was never negotiated by them. Therefore, there is only \$1,000 due from them under the previous order of the department above referred to.

The \$7,000 now appropriated is, therefore, to refund them for this amount, including the amount returned by them.

I would respectfully refer to page 88 of the pamphlet laws of the Creek Nation, 1893 to 1899, inclusive, for information concerning the act of January 7, 1898, above referred to.

In connection with the act now submitted, I addressed a communication to the principal chief on the subject, asking for further information in reference thereto, and I inclose herewith his reply, in which he states that the claim of these parties for services was presented to his office with a request that it be transmitted to the council for consideration, and as it had, prior to that time, been presented to the council by his predecessor, and was a matter that arose during his administration, he referred it to the council, and the council passed it, after due investigation by a committee appointed for that purpose.

He further states that in submitting the matter to the council he requested them to give it consideration, and should they find that if in honor they were bound for the payment of it to make the necessary appropriations, as claims of that character grew with age. He also states that if the council's course is approved by the department such approval will be satisfactory to him.

I also requested Messrs. Stuart, Lewis, Gordon & Rutherford to submit a statement showing the legal services rendered by them to the Creek Nation under their contract, and I inclose herewith their reply, wherein they state that from January, 1898, they represented the Creek Nation in all matters pertaining to their tribal government; that they have been before the United States Court for the Northern District of the Indian Territory in many cases touching the law of interior pastures, and also in other cases cited; and that they also acted as attorneys at the time agreements were being negotiated with the Dawes Commission, and also visited different courts trying and hearing various cases, all of which required much time and the expenditure of much money. They also state that they rendered material benefit to the Creek Nation, as also to the United States Government, in negotiating an agreement, and they state that they have not been paid for their services, the warrants having been returned to me as above set forth.

I am not sufficiently familiar with the services rendered by these attorneys to make an intelligent recommendation as to the merits of this act, but inasmuch as they rendered services to the Creek Nation at various times, and after having done so the matter has now been investigated and passed upon unanimously by the Creek Council, who appear to consider that they are in honor bound to pay this claim, and as the same will undoubtedly be prosecuted by these claimants until finally adjudicated, I am inclined to recommend that the same receive favorable consideration. However, the act is respectfully submitted herewith for such consideration as the department deems proper in the premises.

Very respectfully, your obedient servant,

J. GEO. WRIGHT,
United States Indian Inspector for the Indian Territory.
(Through the Commissioner of Indian Affairs.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1900.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to transmit herewith an act of the Creek or Muskogee National Council, approved by the principal chief October 18, 1900, providing for an appropriation for and payment to Stuart, Lewis, Gordon & Rutherford, attorneys at law, of the sum of \$7,000 for services heretofore rendered by them for the Creek Nation.

This act was received in this office on November 16, 1900, together with the report of the inspector of the Indian Territory, giving a full history of the transaction, and inclosing communications received by him from the principal chief of the nation, and also from the beneficiaries under the act.

In view of the fact that this act was approved by the principal chief on October 18, 1900, and because it has been held by the department that the President must approve it within 30 days after the date of its approval by the principal chief, if at all, the office transmits it without further comment than that contained in the inspector's recommendation.

It may be proper, however, to add that the said beneficiaries have rendered services to the Creek Nation, and the Creek people appear to be anxious to pay for such services, and that, therefore, the act should, if no objection thereto appears, receive the approval of the President.

Very respectfully, your obedient servant,

W. A. JONES, Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, November 17, 1900.

THE PRESIDENT.

SIR: Herewith I transmit an act of the Creek or Muskogee National Council, approved by the principal chief October 18, 1900, appropriating the sum of \$7,000 out of the general funds of the nation to pay Messrs. Stuart, Lewis, Gordon & Rutherford, attorneys, for services heretofore rendered by them to the Creek Nation.

For the reason that these services were rendered under a contract coming within the provisions of section 2103 of the Revised Statutes, but which was not executed or approved as required by that section, I respectfully recommend that the act be disapproved.

This act has only come to my office to-day, and I find upon an examination of the statute (30 Stat., 84) that if you concur in my recommendation that the act be disapproved it will be necessary for the disapproval to be made to-day, this being the thirtieth day after the passage of the act.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Be it enacted by the National Council of the Muskogee Nation, That there be, and is hereby, appropriated the sum of \$7,000, out of the general funds of the Muskogee Nation not otherwise appropriated, in favor of Stuart, Lewis, Gordon & Rutherford, attorneys at law, employed by authority of an act of the National Council of the Muskogee Nation approved January 7, 1898; said sum, when paid, shall be full settlement of all claims against the Muskogee Nation under any contract which has been made under said act of the national council approved January 7, 1898.

Said sum to be paid in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

Adopted October 17, 1900.

AMOS MCINTOSH,
Speaker, House of Warriors.
A. P. MCKELLOP,
Clerk.

Concurred in October 18, 1900.

T. W. PERRYMAN,
President, House of Kings.
LEE MCNEVINS,
Clerk.

Approved, October 18, 1900.

P. PORTER,
Principal Chief.

This is to certify that the records of the house of warriors show that a bill appropriating \$7,000 in favor of Stuart, Lewis, Gordon & Rutherford, for services rendered as attorneys for the nation, was reported by the committee on claims with recommendation that the bill do pass, and that after full discussion of the bill the same was put upon its passage and passed the house by a vote of 72 to 1.

A. P. MCKELLOP,
Clerk of the House of Warriors.

OCTOBER 17, 1900.

This is to certify that the records of the house of kings show that a bill appropriating \$7,000 in favor of Stuart, Lewis, Gordon & Rutherford, for services rendered as attorneys for the nation; said bill being favorably reported by the committee on claims and adopted by the house of warriors, was taken up Thursday, October 18, 1900, and after a full discussion the bill was concurred in by the house of kings by a vote of 21 to 7.

LEE MCNEVINS,
Clerk, House of Kings.

OCTOBER 18, 1900.

EXECUTIVE OFFICE,
Muskogee Nation, October 22, 1900.

I, P. Porter, principal chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the national council of said nation passed at its October, 1900, session and approved by me in my official character on October 18, 1900, and I do hereby submit the same for the approval of the President of the United States, under the provisions of the act of Congress of June 7, 1897 (30 Stats., 62, 84), entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes."

In witness whereof I have hereunto signed my name as principal chief of the Muskogee Nation on this 22d day of October, 1900, and caused the seal of the nation to be affixed.

[SEAL.]

P. PORTER,
Principal Chief Muskogee Nation.

Attest:
W. S. FEARS,
Private Secretary.

EXECUTIVE MANSION,
Washington, November 17, 1900.

Disapproved.

WILLIAM MCKINLEY.

DEPARTMENT OF THE INTERIOR,
Washington, November 19, 1900.

THE COMMISSIONER OF INDIAN AFFAIRS.

Sir: The act of the Creek Nation appropriating \$7,000 in favor of Stuart, Lewis, Gordon & Rutherford, attorneys at law, was disapproved by the President November 17, 1900, and it is transmitted herewith for proper disposition. The United States Indian inspector for the Indian Territory has been advised of the action taken, in a letter herewith inclosed for your information, to be forwarded.

Respectfully,

THOS. RYAN, *Acting Secretary.*

Mr. ASHURST. Now, Mr. President, I just want to make a short statement.

The Senator from New Mexico [Mr. JONES] is going to propose an amendment in which I confess I am deeply interested—not personally at all, but interested as a Senator. It has passed the Senate, and I take considerable pride in the fact that I was in a manner its author. It passed the House once and passed the Senate, but the same bill never passed both Houses. It is the bill, Mr. President, which provides for metalliferous mining on Indian reservations. It is not subject to a point of order, because it has been reported favorably from a standing committee of the Sixty-fifth Congress. It lacked only 13 votes of receiving a two-thirds vote in the House; and although the hour

is late and the Senators are not numerous in attendance, I should like to see it offered. It has been the subject of more thought and more close investigation than any other one particular bill that I know of since I have been here.

It provides that the Secretary of the Interior and the President shall not have any power to create reservations; that the Congress alone shall create the reservations; and I hope it will be put on the bill and allowed to go to conference. It has passed the Senate practically unanimously, and is not subject to a point of order. One or two Senators objected perfunctorily. My colleague [Mr. SMITH of Arizona] is very much interested in it and asked me to present it.

Mr. JONES of New Mexico. Mr. President, that bill embodies some provisions which I have been interested in for years. In fact, I became especially interested in it when I was connected with the Department of the Interior. It provides for the development of the metalliferous ores on Indian reservations. It will enable the Indians themselves to get employment, and it provides for royalties to be paid to the Indians; and the bill has been thoroughly worked out.

Mr. SWANSON. Mr. President, this applies only to Indian reservations?

Mr. JONES of New Mexico. Yes, sir.

Mr. SWANSON. Does it limit the power of the President outside of Indian reservations?

Mr. JONES of New Mexico. Oh, no; not at all.

The PRESIDING OFFICER. The amendment offered by the Senator from New Mexico will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe not inconsistent with the terms of this act, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming, heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

That after the passage and approval of this act, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this act, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this act may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering live stock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this act.

That leases under this act shall be for a period of 30 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

That in addition to areas of mineral land to be included in leases under this act the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, a tract of unoccupied land, not exceeding 80 acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

That the Secretary of the Interior, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

That any lease granted under this act may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with

such conditions not inconsistent herewith as may be specifically recited in the lease.

That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per cent of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of 25 cents per acre for the first calendar year thereafter; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than \$100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon: *And provided further*, That no timber shall be cut upon the reservation by the lessee except after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

That all moneys received from royalties and rentals under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this act as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this act into full force and effect: *Provided*, That nothing in this act shall be construed or held to affect the right of the State or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

That mining locations, under the terms of this act, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby authorized and empowered to lease such lands to such Indians in accordance with the provisions of this act: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this act, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products and the disposition of the proceeds thereof of any such mine by such Indians.

That hereafter no public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise, for or as an Indian reservation except by act of Congress.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

Mr. OWEN. Mr. President, there is one other matter I should like to call the attention of the chairman to. A year ago, on the 23d of March, 1918, there was an amendment put on the Indian appropriation bill to pay a balance of interest due to the Cherokee Nation. I should like to offer this amendment and to submit for the RECORD the report which was made upon it a year ago. It passed the Senate a year ago.

Mr. ASHURST. Let it be read, and let the report go in the RECORD.

Mr. OWEN. I should like to have the report of the Secretary of the Interior bearing upon it go into the RECORD. It is not very long. The amendment provides for the payment of a balance of interest due.

The PRESIDING OFFICER. Without objection, the report will go into the RECORD.

The report is as follows:

The Committee on Indian Affairs, to whom was referred the bill S. 988, "A bill providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation," having carefully considered the same, recommends that with an amendment the bill be passed. The bill as amended reads as follows:

"Be it enacted, etc., That the general deficiency appropriation act of June 30, 1906 (34th Stat. L., p. 684), so far as the said act provides for the payment of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation, with interest (40 C. Cls. Repts., p. 252), be, and the same hereby is, so amended as to allow additional interest to be paid upon items 1 and 4 of said judgment, and upon the funds arising from said items 1 and 4, respectively, as follows, to wit: On the amount of the fund which arose from item 1 of said judgment as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the Cherokee school fund, interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the amount of the fund which arose from item 4 of said judgment, as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the

Cherokee national fund, interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the original principal sum of item 4 of said judgment, interest at 5 per cent per annum from July 1, 1893, to July 1, 1903, and on the amount of the interest thus accruing interest at 4 per cent per annum from December 29, 1905, to May 14, 1906; and on the aggregate of the sums of the interest for the last two periods herein above mentioned, interest at 5 per cent from July 2, 1906, to the date of the passage of this act; and the sum of \$27,500, or so much thereof as may be necessary, to pay the interest above allowed, is hereby appropriated and authorized to be paid to the Cherokee Nation: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay the amount arising from item 4 of said judgment, with interest thereon as herein above provided for, to the agent appointed by the Cherokee Nation acting through its principal chief to receive the same, said payment to be made immediately upon the approval of this act."

The Secretary of the Interior, in a letter to the chairman of the Committee on Indian Affairs of the House of Representatives, dated July 5, 1917, recommends that an appropriation be made to pay the interests upon the funds arising from items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, be made as provided in said bill.

The judgment and decree of the court covering said items 1 and 4 of said judgment are as follows:

Item 1. The sum of \$2,125, with interest thereon at the rate of 5 per cent from February 27, 1819, to date of payment.

Item 4. The sum of \$20,406.25, with interest thereon from July 1, 1903, to date of payment.

The proceeds of said several items, however, to be paid and distributed as follows:

"The sum of \$2,125, with interest thereon at the rate of 5 per cent from February 27, 1819, to date of payment, less 5 per cent thereof contracted by the Cherokee Nation to be paid as counsel fees, shall be paid to the Secretary of the Interior in trust for the Cherokee Nation, and shall be credited on the proper books of account to the principal of the 'Cherokee school fund' now in the possession of the United States and held by them as trustees."

"The sum of \$20,406.25, with interest thereon at the rate of 5 per cent per annum from July 1, 1893, to date of payment, less 5 per cent thereof contracted by the Cherokee Nation to be paid as counsel fees, shall be paid to the Secretary of the Interior and credited on the proper books of account to the principal of the 'Cherokee national fund,' now in the possession of the United States and held by them as trustees."

The Cherokee school fund and the Cherokee national fund were each 5 per cent interest-bearing trust funds under the general law. The funds arising from these two items of judgment were duly paid to the Secretary of the Interior on July 2, 1906, but were not credited to the principals of the said interest-bearing trust funds until May 26, 1910. No matter what may be the final outcome of the claim of the Cherokee Nation to interest on all of these judgment funds under the agreement of 1891, there is no question but that the two funds arising from items 1 and 4 are entitled to interest from the day they were paid into the hands of the Secretary of the Interior in trust for the Cherokee Nation, to wit, from July 2, 1906, until May 26, 1910, when they were credited to said interest-bearing trust funds.

Also, it appears from the Secretary's letter that no interest was allowed on the original principal sum of item 4 of said judgment between July 1, 1893, and July 1, 1903; that failure to allow such interest was due to a clerical error in the wording of the court's decree. Your committee finds that to be the fact and that the Cherokee Nation is clearly entitled to interest on said original principal sum for the period of time between July 1, 1893, and July 1, 1903, and to the additional interest as provided to be paid by this bill (H. R. 4699).

Following are copies of letters from the Secretary of the Interior relative to the merits of the bill:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 17, 1917.

MY DEAR MR. HASTINGS: Reference is made herein to your informal inquiry as to the report on S. 988, a bill providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation, and to the report on S. 10, a bill conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States. In compliance with your request there are transmitted herewith for your information copies of the reports of May 2, 1917, setting forth the views of the department relative to said bills. There is also inclosed copy of the report of the same date on S. 11, this last-mentioned bill being also one concerning certain claims of the Cherokee Nation.

Sincerely, yours,

CATO SELLS, Commissioner.

HON. W. W. HASTINGS,
House of Representatives.

MAY 2, 1917.

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: Reference is made herein to S. 988, entitled "A bill providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation," and to your request of April 9, 1917, for my views thereon.

Said bill provides for the allowance and payment of certain interest claimed to be due the Cherokee Nation on the funds which arose out of items 1 and 4 of the judgment of May 18, 1905, of the Court of Claims, in favor of the Cherokee Nation in the case of said nation against the United States (40 Ct. Cls., 252-363). The bill further provides that the payment of the sum claimed to be due the Cherokee Nation as interest on said item 4 be made to Mr. Frank J. Boudinot, attorney at law, as compensation for services and expenses alleged to have been heretofore performed and incurred by him on behalf of the Cherokee people.

The Court of Claims by its judgment and decree of May 18, 1905, awarded the Cherokee Nation the following sums:

Item 1. The sum of \$2,125, with interest thereon at the rate of 5 per cent from February 27, 1819, to date of payment.

Item 2. The sum of \$1,111,284.70, with interest thereon at the rate of 5 per cent from June 12, 1838, to date of payment.

Item 3. The sum of \$432.28, with interest thereon at the rate of 5 per cent from January 1, 1874, to date of payment.

Item 4. The sum of \$20,406.25, with interest thereon from July 1, 1903, to date of payment.

The judgment and decree also made provision as to the payment and distribution of the proceeds of said items of award. Said decision of the Court of Claims was affirmed by the Supreme Court of the United States on April 30, 1906 (202 U. S., 101), with a modification, however, as to the distribution of the fund arising out of item 2 of the award. The act of Congress of June 30, 1906 (34 Stat. L., 634-664), making appropriation for the payment of the above-mentioned judgment, provided for the payment of the principal sum of \$1,134,248.23 as set forth in said judgment, together with such additional sum as might be necessary to pay interest "as authorized by law." The act of Congress of March 4, 1909 (35 Stat. L., 907-938), provided that the interest on item 2 of the judgment should be carried "up to such time as the roll of the individual beneficiaries entitled to share in said judgment shall be finally approved by the Court of Claims," and an appropriation was made for said additional interest. It appears that the roll of individual beneficiaries was finally approved by the Court of Claims on March 15, 1910. It appears from the books of the Indian Office that the sum of \$4,972,902.04 appropriated by the deficiency act of June 30, 1906 (34 Stat. L., 664), was on July 2, 1906, under Treasury Warrant No. 11, credited to the Cherokee Nation under the title, "Judgment, Court of Claims, Cherokee Nation," said sum being the aggregate of the following items of the judgment:

| Item. | Principal. | Interest. |
|------------|--------------|--------------|
| 1..... | \$2,125.00 | \$9,395.46 |
| 2..... | 1,111,284.70 | 3,825,751.46 |
| 3..... | 432.28 | 708.21 |
| 4..... | 20,406.25 | 2,888.68 |
| Total..... | 1,134,248.23 | 3,838,743.81 |

It further appears from the books of the Indian Office that there was credited to the Cherokee Nation on April 19, 1910, under Treasury warrant No. 58, the sum of \$161,324.92, being additional interest on item 2 of the judgment as provided for by the deficiency act of March 4, 1909 (35 Stat. L., 938). The Comptroller of the Treasury in an opinion dated May 25, 1916, stated that while he was not advised as to the payments in the case, he presumed that in accordance with the decisions of his office the interest on the various items in the court's decree was computed as follows:

Item 1. At 5 per cent on original principal from February 27, 1819, to December 29, 1905, and at 4 per cent on original principal plus amount of interest to December 29, 1905, from December 30, 1905, to May 14, 1906.

Item 2. At 5 per cent on original principal from June 12, 1838, to March 15, 1910.

Item 3. At 5 per cent on original principal from January 1, 1874, to December 29, 1905, and at 4 per cent on original principal plus the amount of interest to December 29, 1905, from December 30, 1905, to May 14, 1906.

Item 4. At 5 per cent on original principal from July 1, 1903, to December 29, 1905, and at 4 per cent on original principal plus amount of interest to December 14, 1906.

The comptroller further states that under existing law there was no authority for computation of interest on the various items of the above-mentioned judgment on any other basis than as above indicated. Copies of the comptroller's decisions of July 11, 1906, January 29, 1909, April 2, 1910, and May 25, 1916, relating to the question of interest on the several items of the above-mentioned judgment of the Court of Claims are inclosed for your information. The matter of the computation of interest on the several items of the above-mentioned judgment of May 18, 1905, of the Court of Claims has been the subject of some correspondence with persons interested in the Cherokee Nation. It has been contended by some that the interest was not computed in accordance with the orders of the court or of the terms of the agreement of December 19, 1891, of the United States with the Cherokee Nation, ratified by the act of Congress of March 3, 1893 (27 Stat. L., 612-640).

In the decree of the Court of Claims it was provided that the proceeds of item 1, less 5 per cent thereof, contracted by the Cherokee Nation to be paid as counsel fees, should be paid to the Secretary of the Interior in trust for the Cherokee Nation, and be credited on the proper books of account to the principal of the "Cherokee school fund." It was also provided in said decree that the proceeds of item 4, less 5 per cent thereof, contracted by the Cherokee Nation to be paid as counsel fees, should be paid to the Secretary of the Interior and credited on the proper books of account to the principal of the "Cherokee national fund." Said Cherokee school fund and Cherokee national fund were each, under the provisions of the act of April 1, 1880 (21 Stat. L., 76), 5 per cent interest-bearing trust funds. The proceeds of items 1 and 4 of the judgment of the Court of Claims were included in the amount placed to the credit of the Cherokee Nation on July 2, 1906, under the title "Judgment, Court of Claims, Cherokee Nation," which account, as carried on the books of the Indian Office, did not bear interest. It appears, however, that by certificate of the Auditor for the Interior Department, No. 17264, dated May 26, 1910, the sum of \$33,769.99, being on account of certain amounts arising under items 1 and 4 of the judgment of the Court of Claims, was transferred from the above-mentioned noninterest-bearing account, and the following credits were correspondingly made, bearing interest at 5 per cent per annum:

Cherokee school fund, \$11,174.53; Cherokee national fund, \$22,595.46. If said sums had been placed to the credit of these last-mentioned funds on July 2, 1906, when received, they would have borne interest at the rate of 5 per cent per annum from that date as a part of the Cherokee trust funds. The failure, therefore, of the Government to cause the transfer to be made to said trust funds, as provided in the decree of the Court of Claims, until May 26, 1910, caused a loss to the Cherokee Nation of the interest on said amounts from July 2, 1906, to May 26, 1910. It has also been claimed, in reference to item 4 of the judgment of the Court of Claims, that the interest provided for in said item should have been from July 1, 1893, instead of from July 1, 1903, and that the provision in the decree as to the interest was in conflict with the statement contained in the opinion of the court as to such interest, and that the date named in the decree from which the interest should run was a clerical error. The Comptroller of the Treasury, in his opinion of May 25, 1916, states that the failure to allow interest on item 4 from 1893 instead of from 1903 was no doubt due to a clerical error in the wording of the court's decree, and that

there appeared to be merit in certain proposed legislation looking to the correction of such error.

In view of the comptroller's opinion of May 25, 1916, that the failure to allow interest from 1893 to 1903 on item 4 of the decree of the Court of Claims was no doubt due to a clerical error in the wording of the court's decree, I see no objection to legislation looking to the correction of such error and providing for the payment to the credit of the Cherokee Nation of the amount of interest which the Cherokee Nation failed to receive through said error. Neither do I see any objection to legislation providing for the payment to the credit of the Cherokee Nation of the amount of interest which said nation failed to receive on items 1 and 4 of the judgment of the Court of Claims through the failure of the Government to cause the transfer of the proceeds of said items to be made to the Cherokee interest-bearing trust funds before May 26, 1910.

In reference to the payment which S. 988 provides shall be made to Mr. Frank J. Boudinot, attorney at law, for services and expenses said to have been performed and incurred in behalf of the Cherokee people, I am not advised as to the services or expenses for which said compensation is contemplated. If said proposed payment is for the settlement of the claim of Mr. Boudinot for compensation for services and expenses in the matter of obtaining the exclusion from participation in the allotment of lands and distribution of funds of the Cherokee Nation of intermarried white persons described in the suit entitled "Cherokee intermarriage cases, Red Bird et al., citizens of the Cherokee Nation by blood, v. The United States" (40 Ct. Cls., 411; 203 U. S., 76), your attention is invited to the report of March 25, 1910, of the then Secretary of the Interior, and to the report of May 10, 1910, of the then Acting Secretary of the Interior, as set out in Senate Report No. 550, Sixty-first Congress, second session, and House Report No. 2077, Sixty-first Congress, third session. Copies of said reports are inclosed for your convenient reference thereto. In view of the facts set forth in said reports, I am of the opinion that the provision for the payment to Mr. Frank J. Boudinot, as set forth in S. 988, should be eliminated from said bill.

In view of the above concerning the question of interest claimed to be due the Cherokee Nation, I am of the opinion that S. 988 should be amended by the insertion of the word "additional" before the word "interest" in line 10, page 1, of said bill, and that said bill should be further amended by the omission of all the provisions therein following the colon on line 2, page 2, thereof and by the substitution of the following in lieu thereof:

"On the amount of the fund which arose from item 1 of said judgment as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the Cherokee school fund, interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the amount of the fund which arose from item 4 of said judgment as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the Cherokee national fund, interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the original principal sum of item 4 of said judgment, interest at 5 per cent per annum from July 1, 1893, to July 1, 1903; and on the amount of interest thus accruing interest at 4 per cent per annum from December 29, 1905, to May 14, 1906; and on the aggregate of the sums of the interest for the last two periods hereinabove mentioned, interest at 5 per cent per annum from July 2, 1906, to the date of the passage of this act; and the sum of \$27,500, or so much thereof as may be necessary to pay the interest above allowed, is hereby appropriated and authorized to be paid to the Cherokee Nation."

I recommend the enactment of S. 988 if the same be amended as above suggested.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1917.

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: Reference is made herein to S. 11, entitled "A bill to amend the general deficiency appropriation act of June 30, 1906, and the act of Congress of March 4, 1909, regarding payment of judgment of the Court of Claims in favor of Cherokee Nation," and to your request of April 10, 1917, for my views thereon.

Said bill provides for the allowance and payment of certain interest claimed to be due the Cherokee Nation on the funds which arose out of items 1 and 4 of the judgment of May 18, 1905, of the Court of Claims in favor of the Cherokee Nation in the case of said nation against the United States (40 Ct. Cls., 252-263). The bill further provides that the payment of the sum claimed to be due the Cherokee Nation as interest on said item 4 be made to Mr. Frank J. Boudinot, attorney at law, as compensation for services and expenses alleged to have been heretofore performed and incurred by him on behalf of the Cherokee people.

This matter is the subject of my report of even date on S. 988. A copy of my letter of even date to you concerning said S. 988 and containing my views as to legislation providing for the payment of additional interest on said items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation, is inclosed for your convenient reference thereto.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

MAY 2, 1917.

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: Reference is made herein to S. No. 10, entitled "A bill conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States," and to your request of April 10, 1917, for my views thereon.

Said bill provides jurisdiction for the Court of Claims to hear, consider, and determine the claim of the Cherokee Nation against the United States for interest, in addition to all other interests heretofore allowed and paid, alleged to be owing from the United States to the Cherokee Nation on funds arising from the judgment of the Court of Claims of May 18, 1905 (40 Court of Claims Reports, p. 252), in favor of the Cherokee Nation.

The claims of the Cherokee Nation to certain additional interest on items 1 and 4 on the above-mentioned judgment of the Court of Claims

are the subject of S. 11 and S. 988, Sixty-fifth Congress, first session, and of my letters of even date to you concerning said bills. A copy of my letter of even date to you concerning S. 988 and setting out the facts relating to the above-mentioned judgment of the Court of Claims and the allowance and payment of interest thereon is inclosed for your convenient reference thereto.

In view of the facts disclosed, I saw no reason why an appropriation should not be made for the payment of certain additional interest on items 1 and 4 of the above-mentioned judgment in favor of the Cherokee Nation, and therefore recommended the enactment of S. 988 provided it was amended as suggested in my letter. S. 10 includes, however, the claim of the Cherokee Nation for additional interest on the other items of the above-mentioned judgment of the Court of Claims.

It has been claimed on behalf of the Cherokee Nation that the accounting officers of the Treasury should have computed the interest on item 2 of the decree of the Court of Claims up to December 29, 1905, the date of filing of the transcript of the judgment of the Court of Claims with the Secretary of the Treasury and added said interest for a new principal upon which interest should have been computed from December 30, 1905, to March 15, 1910, and it is claimed that as a result of the alleged error in the method of computation there is still due the Cherokee Nation the sum of \$478,801.94 as interest on said item 2. It has been further claimed that interest should be allowed on this last-mentioned sum from March 15, 1910, until paid.

In reference to item 3 of the decree of the Court of Claims it has been claimed that the amount thereof, representing a part of the proceeds of the sale of the Cherokee strip, should have been distributed among certain Cherokee interest-bearing trust funds in the Treasury, and that as no interest has been paid on the proceeds of said item 3 since July 2, 1906, the Cherokee Nation is entitled to interest thereon at 5 per cent to the present time.

The question of whether the Cherokee Indians are entitled to additional interest claimed by them to be due on said items 2 and 3 of the above-mentioned judgment of the Court of Claims is not one upon which I am prepared to express an opinion. I see no objection to legislation to provide for the adjudication by the Court of Claims of the question of whether the Cherokee Indians are entitled to any additional interest on said items 2 and 3. I suggest, however, that said S. No. 10 be amended by the elimination of the words "by the Cherokee Nation acting through its principal chief" on lines 20 and 21 of page 2 of the bill, and by the substitution in lieu thereof of the following words, "under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law," and that said bill be further amended by the elimination of the provisions on page 3 of the bill following after the word "cause," on line 1 of said page 3, and by the substitution thereof of the following provision: "The attorney for the Cherokee Nation shall be paid such fee as the Court of Claims may find reasonable, provided that in no case shall the fee decreed by said Court of Claims be in excess of the amount stipulated in the approved contract nor amount to more than 10 per cent of the sum, if any, to which the Cherokee Nation shall be found entitled. The amounts recovered for the Cherokee Nation, if any, shall be disbursed under the supervision of the Secretary of the Interior to the parties entitled thereto in manner prescribed by the Court of Claims." I see no objection to the enactment of S. 10 if the same be amended as above suggested.

Cordially, yours,

FRANKLIN K. LANE, Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, July 5, 1917.

MY DEAR MR. CARTER: Reference is made herein to H. R. 4699 entitled "A bill providing for the payment of certain interest on items one and four of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation," and to your request of May 28, 1917, for a report thereon for the information and use of the Committee on Indian Affairs of the House of Representatives. Said bill provides for the allowance and payment of certain interest claimed to be due the Cherokee Nation on the funds which arose out of items 1 and 4 of the judgment of May 18, 1905, of the Court of Claims in favor of the Cherokee Nation in the case of said nation against The United States (40 Court of Claims, 252-363).

The claim of the Cherokee Nation to additional interest on items 1 and 4 of the above-mentioned judgment was the subject of S. 988, Sixty-fifth Congress, first session. A copy of my letter of May 2, 1917, to Hon. HENRY F. ASHURST, chairman of the Committee on Indian Affairs of the United States Senate, in regard to said S. 988, and containing my views as to legislation providing for the payment of certain additional interest on said items 1 and 4 of the above-mentioned judgment, is transmitted herewith for your information. The principal facts relating to said judgment of the Court of Claims, and to the allowance and payment of interest thereon, are set forth in said communication.

H. R. 4699 contains, on page 3, lines 6 to 12, inclusive, the following:

"Provided, That the Secretary of the Treasury is hereby authorized and directed to pay the amount arising from item 4 of said judgment, with interest thereon as herein above provided for, to the agent appointed by the Cherokee Nation, acting through its principal chief, to receive the same, said payment to be made immediately upon the approval of this act."

In reference to the matter of the collection and disbursement of tribal funds and as to the tribal government, your attention is invited to the provisions contained in sections 64, 66, and 67 of the agreement of the United States with the Cherokee Nation, contained in the act of Congress of July 1, 1902 (32 Stat. L., 716-727), and to the provisions of sections 17 and 28 of the act of Congress of April 26, 1906 (34 Stat. L., 137, 143, 148).

The tribal government of the Cherokee Nation has been abolished, the services of the principal chief being retained only until the tribal affairs have been completely closed, there remaining a few matters still undisposed of. The provision of H. R. 4699 above quoted does not state the purpose of the payment to the tribal agent provided for therein. It is not shown whether the payment to the proposed tribal agent is to be for the purpose of settlement of claims against the Cherokee Nation, or for the purpose of distribution per capita to the members of the tribe.

In view of the above-mentioned provisions of existing law as to the collection and payment of Cherokee tribal funds, placing the supervision of said matters under the Secretary of the Interior, and of the status of Cherokee tribal affairs, I see no reason why provision should

be made for the payment to a tribal agent of any additional interest which may be allowed the Cherokee Nation on the above-mentioned judgment of the Court of Claims. I believe that any such additional sum which may be allowed the Cherokee Nation as interest on the above-mentioned judgment should be placed in the Treasury of the United States to the credit of the Cherokee Nation to be disposed of under existing law for the benefit of the Cherokee Tribe. I therefore recommend that the above-quoted provisions contained in lines 6 to 12, inclusive, on page 3 of H. R. 4699, be eliminated from said bill. In view of the facts set forth in my report of May 2, 1917, on S. 998, concerning the claim of the Cherokee Nation to additional interest on the above-mentioned judgment of the Court of Claims of May 18, 1905, I recommend the enactment of H. R. 4699 provided said bill be amended as indicated above.

Cordially, yours,

FRANKLIN K. LANE, Secretary.

HON. C. D. CARTER,
Chairman Committee on Indian Affairs,
House of Representatives.

Know all men by these presents, That I, W. C. ROGERS, principal chief of the Cherokee Nation, do hereby make, constitute, and appoint Frank J. Boudinot, Fort Gibson, Okla., my true and lawful attorney in fact and agent for me and in my name, place, and stead; and in the name, place, and stead of the principal chief of the Cherokee Nation; and in the name, place and stead of the Cherokee Nation, to receive from the proper officer or officers of the United States Government any sum or sums of money that may be owing to said Cherokee Nation from the United States, or that may hereafter become due and payable to said nation by appropriation act of Congress or otherwise, on account of the fund arising from item 4 of the judgment of the Court of Claims of May 18, 1905, in cause No. 23199, The Cherokee Nation v. The United States, or on account of interest on said item 4 or on any part of same.

Hereby giving unto said attorney and agent full power and authority in the premises to do and perform all things whatsoever that may be required to secure payment to him of said money, to sign all papers and receipts that may be required in the name and on behalf of the undersigned principal chief of the Cherokee Nation and in the name of the Cherokee Nation; hereby ratifying and confirming all the lawful acts of said attorney in fact and agent done in pursuance of the authority hereby given.

Witness my hand and seal on this the 20th of November, 1916, at Tulsa, State of Oklahoma.

W. C. ROGERS,
Principal Chief of the Cherokee Nation.

I, Frank J. Boudinot, hereby accept the power of attorney and agency above given this 20th day of November, 1916.

FRANK J. BOUDINOT.

STATE OF OKLAHOMA,
County of Tulsa, ss:

Before me, Conn Linn, judge district court, Tulsa County, Okla., in and for said county and State, on this the 20th day of November, 1916, personally appeared W. C. ROGERS, principal chief of the Cherokee Nation, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof, I have hereunto subscribed my name and affixed my official seal at Tulsa, State of Oklahoma, on the day last above written.

CONN LINN,
Judge District Court, Tulsa County, Okla.

Attest:
[SEAL.]
FRANK INGRAHAM, County Clerk.
By R. L. LAWS, Deputy.

The PRESIDING OFFICER. Will the Senator from Oklahoma indicate to what part of the bill this is offered as an amendment?

Mr. OWEN. Page 51, after line 8.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 51, after line 8, it is proposed to insert the following:

For payment of interest upon certain interest-bearing trust funds belonging to the Cherokee Nation, which funds arose from the judgment of the Court of Claims of May 18, 1905, in favor of said Nation, and were paid into and retained in the Treasury of the United States, as follows, to wit:

On the amount of the fund which arose from item 1 of said judgment as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the Cherokee school fund, interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the amount of the fund which arose from item 4 of said judgment, as such amount was determined and paid to the Secretary of the Interior on July 2, 1906, to be by him credited to the principal of the Cherokee national fund interest at 5 per cent per annum from July 2, 1906, to and including May 26, 1910; on the original principal sum of item 4 of said judgment, interest at 5 per cent per annum from July 1, 1893, to July 1, 1903, and on the amount of the interest thus accruing interest at 4 per cent per annum from December 29, 1905, to May 14, 1906; and on the aggregate of the sums of the interest for the last two periods herein above mentioned, interest at 5 per cent per annum from July 2, 1906, to the date of the passage of this act; and the sum of \$27,500, or so much thereof as may be necessary, to pay the interest above allowed, is hereby appropriated and authorized to be paid to the Cherokee Nation: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay the amount arising from item 4 of said judgment, with interest thereon as herein above provided for, to the agent appointed by the Cherokee Nation, acting through its principal chief to receive the same, said payment to be made immediately upon the approval of this act.

Mr. SWANSON. Mr. President, this payment is to be made entirely out of Indian trust funds, is it?

Mr. OWEN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ASHURST. I move that the Senate request a conference with the House of Representatives upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. OWEN, Mr. JONES of New Mexico, and Mr. GRONNA conferees on the part of the Senate.

ADJOURNMENT.

Mr. SWANSON. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 55 minutes a. m., Saturday, March 1, 1919) the Senate adjourned until Saturday, March 1, 1919, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 28, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee our Father in heaven, for every laudable ambition, every high and holy aspiration, which has and is now leading us onward and upward to larger intellectual, moral, and spiritual attainments; and we most fervently pray that Thou wilt continue to lead us as individuals and as a people to right living, that the differences between men, classes, and conditions shall be rightly adjusted, to the glory and honor of Thy holy name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

POINT OF NO QUORUM.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point that there is no quorum present.

Mr. GARNER. Mr. Speaker, will the gentleman withhold that point for a moment?

Mr. MOORE of Pennsylvania. Yes.

The SPEAKER. Did the gentleman from Pennsylvania withdraw his point?

Mr. MOORE of Pennsylvania. I withhold it temporarily.

The SPEAKER. The gentleman from Pennsylvania withholds his point temporarily.

EXTENSION OF REMARKS.

Mr. RAMSBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a memorial address on the late Col. Roosevelt, delivered before the joint session of the Iowa Legislature by Hon. N. E. Kendall, who was a Member of the Sixty-first and Sixty-second Congresses.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record by inserting an address delivered on the late Col. Roosevelt before the Iowa Legislature. Is there objection?

Mr. WALSH. Reserving the right to object, how long an address is this?

Mr. RAMSBER. It probably took 40 minutes to deliver it. Furthermore, under the circumstances under which it was delivered, it may be considered as an official tribute of the State of Iowa to Col. Roosevelt.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, I think every State may possibly be in the same position as Iowa. I do not believe in encumbering the Record. I shall have to object.

The SPEAKER. The gentleman from Ohio objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 4610. An act to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 69.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-third National Encampment of the Grand Army

of the Republic for the year 1919 not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

REPEAL OF LUXURY TAXES.

Mr. KITCHIN. Mr. Speaker, I desire to present a report (No. 1152) from the Committee on Ways and Means accompanying House joint resolution 439, for the repeal of the luxury taxes.

The SPEAKER. The Clerk will report it.

Mr. GARNER. He only desires it to be read.

The SPEAKER. The Clerk will report it.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred House joint resolution 439, to repeal section 904 of the revenue act of 1918, approved February 24, 1919, having had the same under consideration, report it back to the House without amendment and recommend that the resolution do pass.

In presenting the conference report upon the revenue bill to the House the chairman stated that he would introduce a resolution to repeal section 904 of the bill after it became a law.

The purpose of section 904 was to encourage thrift and economy and to prevent extravagance as well as to provide revenue. It was understood that these consumption taxes were levied as war taxes only. This was a proper tax in time of war, but your committee believes that in time of peace it can not justify the placing of the burden (1) on the retailers of the country of keeping the necessary additional accounting system to collect the tax from the taxable sales in order to properly return the tax collected to the Government; or (2) such a heavy tax upon the consumer.

Your committee is unanimous in recommending the passage of this resolution.

Section 904 of the revenue act of 1918 reads as follows:

"SEC. 904. (a) That on and after May 1, 1919, there shall be levied, assessed, collected, and paid a tax equivalent to 10 per cent of so much of the amount paid for any of the following articles as is in excess of the price hereinafter specified as to each such article, when such article is sold by or for a dealer or his estate on or after such date for consumption or use—

"(1) Carpets and rugs, including fiber, except imported and American rugs made principally of wool, on the amount in excess of \$5 per square yard;

"(2) Picture frames, on the amount in excess of \$10 each;

"(3) Trunks, on the amount in excess of \$50 each;

"(4) Valises, traveling bags, suit cases, hatboxes used by travelers, and fitted toilet cases, on the amount in excess of \$25 each;

"(5) Purses, pocketbooks, shopping and hand bags, on the amount in excess of \$7.50 each;

"(6) Portable lighting fixtures, including lamps of all kinds and lamp shades, on the amount in excess of \$25 each;

"(7) Umbrellas, parasols, and sunshades, on the amount in excess of \$4 each;

"(8) Fans, on the amount in excess of \$1 each;

"(9) House or smoking coats or jackets, and bath or lounging robes, on the amount in excess of \$7.50 each;

"(10) Men's waistcoats, sold separately from suits, on the amount in excess of \$5 each;

"(11) Women's and misses' hats, bonnets, and hoods, on the amount in excess of \$15 each;

"(12) Men's and boys' hats, on the amount in excess of \$5 each;

"(13) Men's and boys' caps, on the amount in excess of \$2 each;

"(14) Men's, women's, misses', and boys' boots, shoes, pumps, and slippers, not including shoes or appliances made to order for any person having a crippled or deformed foot or ankle, on the amount in excess of \$10 per pair;

"(15) Men's and boys' neckties and neckwear, on the amount in excess of \$2 each;

"(16) Men's and boys' silk stockings or hose, on the amount in excess of \$1 per pair;

"(17) Women's and misses' silk stockings or hose, on the amount in excess of \$2 per pair;

"(18) Men's shirts, on the amount in excess of \$3 each;

"(19) Men's, women's, misses', and boys' pajamas, nightgowns, and underwear, on the amount in excess of \$5 each; and

"(20) Kimonos, petticoats, and waists, on the amount in excess of \$15 each.

"(b) The tax imposed by this section shall not apply (1) to any article enumerated in paragraphs (2) to (8), both inclusive, of subdivision (a), if such article is made of, or ornamented, mounted, or fitted with, precious metals or imitations thereof or ivory, or (2) to any article made of fur on the hide or pelt, or of which any such fur is the component material of chief value, or to (3) any article enumerated in subdivision (17) or (18) of section 900.

"(c) The taxes imposed by this section shall be paid by the purchaser to the vendor at the time of the sale and shall be collected, returned, and paid to the United States by such vendor in the same manner as provided in section 502."

Mr. MOORE of Pennsylvania. On that, Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Pennsylvania reserves all points of order on the House joint resolution.

Mr. MOORE of Pennsylvania. On the resolution accompanying the report.

The SPEAKER. The report is ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make a point of no quorum.

EULOGIES ON THE LATE REPRESENTATIVE BORLAND.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that it may be in order on Sunday, March 2, between the hours of 11 and 12 o'clock, to deliver memorial addresses on the life, character, and public services of our deceased colleague, Hon. WILLIAM P. BORLAND.

The SPEAKER. The gentleman from Missouri asks unanimous consent that there shall be a meeting of the House on Sunday, March 2, at 11 o'clock a. m., and that the time from 11 to 12 o'clock be set aside for the delivery of memorial addresses on the life, character, and public services of the late WILLIAM P. BORLAND, a Representative from Missouri. Is there objection?

Mr. GARNER. Had not the gentleman better make that from 10 o'clock to 11? Would it not be just as convenient?

Mr. ALEXANDER. I doubt if it would be as convenient.

Mr. GARNER. That difference of one hour on Sunday would mean a good deal.

Mr. STAFFORD. I assume that the gentleman would have no objection to providing that it would not interfere with conference reports, so that there would be an hour for these exercises on that day at that time?

Mr. ALEXANDER. No; we realize the condition, and we do not want to interfere, but our plans are already made.

The SPEAKER. The gentleman from Missouri asks unanimous consent that on Sunday, the 2d of March, there be a meeting of the House at 11 o'clock a. m., and that the time from 11 to 12 be set aside for the delivery of memorial addresses on the life, character, and public services of the late WILLIAM P. BORLAND. Is there objection?

There was no objection.

CALL OF THE HOUSE.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Pennsylvania makes the point of no quorum. Evidently there is no quorum present.

Mr. KITCHIN. I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House. Is there objection?

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|-----------------|------------------|-------------------|-----------------|
| Anderson | Donovan | Hensley | Russell |
| Anthony | Doelling | Howard | Sabath |
| Austin | Doremus | Ireland | Sanders, La. |
| Ayres | Drukker | James | Saunders, Va. |
| Baer | Dunn | Johnson, S. Dak. | Scott, Iowa |
| Barkley | Eagle | Kelley, Mich. | Scully |
| Blitch | Emerson | Key, Ohio | Sears |
| Boeher | Esch | Kiess, Pa. | Shackelford |
| Britten | Estopinal | Larsen | Sims |
| Brumbaugh | Fairchild, G. W. | Lehibach | Slemp |
| Buchanan | Fields | Linthicum | Small |
| Burnett | Flynn | Lunn | Smith, Mich. |
| Candler, Miss. | Focht | McCormick | Smith, C. F. |
| Cantrill | Francis | McLaughlin, Mich. | Smith, T. F. |
| Carlin | Gandy | Miller, Minn. | Snoos |
| Carter, Mass. | Garland | Montague | Steele |
| Cary | Gillett | Morin | Stephens, Nebr. |
| Chandler, N. Y. | Goodall | Mott | Stiness |
| Clark, Fla. | Gordon | Mudd | Sullivan |
| Classon | Graham, Pa. | Neely | Sweet |
| Cleary | Gray, N. J. | Nelson, J. M. | Swift |
| Coady | Greene, Mass. | Nichols, Mich. | Tague |
| Connally, Tex. | Gregs | Nolan | Taylor, Ark. |
| Cooper, Ohio | Griffin | Park | Taylor, Colo. |
| Copley | Hamill | Parker, N. J. | Thomas |
| Costello | Hamilton, Mich. | Parker, N. Y. | Tinkham |
| Cox | Hamilton, N. Y. | Price | Waldow |
| Cramton | Harrison, Va. | Ramsey | Ward |
| Curry, Cal. | Hastings | Rayburn | White, Ohio |
| Davey | Haugen | Reavis | Williams |
| Davis | Heater | Riordan | Wilson, Ill. |
| Decker | Heintz | Roberts | Winslow |
| Delaney | Helm | Rodenberg | Woods, Iowa |
| Dewalt | Helvering | Rowland | Woodyard |
| Dillon | | | |

The SPEAKER. On this roll call 288 Members, a quorum, have answered to their names.

Mr. KITCHIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

COMMISSION ON EQUALIZATION OF SALARIES.

The SPEAKER. In the legislative, executive, and judicial appropriation act there is a provision authorizing the Speaker to appoint a commission to equalize the salaries of employees.

The Chair appoints as members of that commission Messrs. HAMLIN, KEATING, and COOPER of Wisconsin. [Applause.]

Mr. MANN. Mr. Speaker, has the legislative bill been reported to the House as having been signed by the President?

The SPEAKER. It was sent to the President day before yesterday, so the Chair supposes the President has signed it.

Mr. MANN. We have not had any message announcing his signature, I think.

The SPEAKER. The Chair will appoint them over again when the message comes in.

CERTAIN HOMESTEAD ENTRIES.

Mr. McCLINTIC. Mr. Speaker, the bill (H. R. 9897) to authorize the contesting and cancellation of certain homestead entries, and for other purposes, has passed the House, and the Senate has returned it to the House with an amendment. I ask unanimous consent to take the bill from the Speaker's table and concur in the Senate amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table H. R. 9897 and concur in the Senate amendment. Is there objection?

There was no objection.

The Senate amendment was read.

The SPEAKER. The gentleman moves to concur in the Senate amendment.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill (H. R. 14516), disagree to the Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. Flood, Mr. LINTHICUM, and Mr. COOPER of Wisconsin.

DEFICIENCY APPROPRIATIONS.

On motion of Mr. SHERLEY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, with Mr. GARD in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

HOUSING FOR WAR NEEDS.

The sum of \$32,700,000 of the unexpended balance of the appropriations heretofore made for carrying out the provisions of the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, shall be covered into the Treasury immediately upon the passage of this act.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Can the gentleman from Kentucky state how much of this fund has been expended?

Mr. SHERLEY. There were two appropriations made, one of \$60,000,000 and one of \$40,000,000, to carry out the housing program.

Mr. LONDON. Mr. Speaker, I make a point of order against the paragraph.

Mr. SHERLEY. The point of order comes too late. There has been discussion upon the provision.

Mr. LONDON. I do not believe it comes too late. As soon as I caught the purpose of the remarks of the gentleman—

Mr. SHERLEY. That was just too late. As soon as discussion of a paragraph has begun the point of order is too late.

Mr. LONDON. I was on my feet, expecting to make the point of order.

The CHAIRMAN. The Chair had recognized the gentleman from Massachusetts, and the proposition was under discussion.

Mr. SHERLEY. There were two appropriations made, one of \$60,000,000 and one of \$40,000,000 to carry out the housing program in connection with the war needs of the Government. A statement was made by the officials of the bureau under the Department of Labor that they would wind up their work and have a balance of something over \$30,000,000. We had a hearing, in which they presented their financial statement, and from that financial statement it was apparent that the amount here

proposed to be repealed was not needed, and that the balance was amply sufficient to carry out all the projects that they proposed to carry out.

Mr. WALSH. There was \$60,000,000 appropriated at first?

Mr. SHERLEY. Sixty million dollars first and forty million dollars afterwards.

Mr. WALSH. The \$60,000,000 was all expended, and there is this amount remaining from the later appropriation?

Mr. SHERLEY. The two amounts were both appropriated in the same fiscal year and constitute one fund.

Mr. WALSH. I withdraw my amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Legislative—

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 37, after line 8, insert as a new paragraph the following:

"To enable the superintendent of the United States Capitol Building and Grounds to revise the plans and estimate of cost for carrying out the extension of the Capitol Building in accordance with the report contained in House Document No. 385, Fifty-eighth Congress, third session, and supplementary reports, \$2,500, to continue available during the fiscal year 1920."

Mr. STAFFORD. I reserve a point of order on the amendment.

Mr. SHERLEY. In the Fifty-eighth Congress there was a commission appointed, consisting of Mr. Cannon, Mr. Hepburn, and Mr. Richardson, and of Senators Wetmore, Alger, and Gorman, to consider the question of the extension and completion of the Capitol Building. As Members are aware the Capitol Building has never been completed according to its original design. The central part of the building, between the two wings, according to the original plans should be brought farther out onto the Plaza. The work of this commission was very elaborate, with drawings and estimates as to cost. The report was the result, as it should have been, of the most careful consideration of matters affecting the Nation's Capitol in which we all take such very great pride.

The purpose of the amendment is to enable the Superintendent of the Capitol to revise the estimates and plans in connection with that improvement so that if Congress shall want subsequently to undertake this work and provide thereby not only for the greater beauty of the Capitol but for that change which is needed in connection with the Supreme Court and its activities, it would have the data when it comes to do it. It in no sense binds Congress to anything except that it enables the Superintendent of the Capitol to take these plans and bring them up to date as to the amount that will be required.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. STAFFORD. As I recollect, this proposition was before the House 12 years ago. The distinguished gentleman from Illinois [Mr. CANNON], then Speaker of the House, was its sponsor. I believe it involved an expenditure of \$1,750,000, or thereabouts, but there was at that time strong opposition to the project of extending the front of the Capitol. Do I understand the gentleman to say that the old Capitol is not erected according to the original plan?

Mr. SHERLEY. My understanding is that the front of the Capitol, as it now exists, does not represent the entire original plan.

Mr. STAFFORD. What is the reason for reviving this project when it has been dormant for 10 or 12 years?

Mr. SHERLEY. Speaking for myself, because it has been dormant. I think it highly desirable that the Capitol should not have as the center a plaster front. The wings are marble but the center is simply plaster. There is also a mechanical reason in connection with the foundation of the whole Dome of the Capitol. The science of building now has advanced very greatly and the knowledge of weights and strength is much more accurate. It is quite possible that sooner or later there will have to be some work done on the Dome of the Capitol, simply as repair work, and there are many who believe that the Dome ought to be in marble so as not again to be in a condition of imitation as to outward appearances.

There has been a bill introduced by the gentleman from Virginia [Mr. MONTAGUE], who has taken a lively interest in the Capitol and its beauty, and is pending before the Committee on Appropriations for an appropriation to carry out this work. I believe that the committee was not warranted at this time

in asking an appropriation of the House to carry out the work under the program nearly 15 years old. The committee thought it highly desirable that we have the Superintendent of the Capitol, Mr. Woods, to whom the Nation is indebted for the preservation of many things of architectural beauty and historic interest, to revise the figures and estimates and make a report to Congress, and then the future Congress can do what it chooses.

Under authority to extend my remarks I desire to insert the following letter from the Superintendent of the Capitol Building and Grounds upon this question of the extension of the Capitol, and also to include a portion of the report made by the joint commission, to which I have heretofore referred.

OFFICE OF SUPERINTENDENT
CAPITOL BUILDING AND GROUNDS,
Washington, D. C., February 19, 1919.

HON. SWAGAR SHERLEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: Some time ago I brought to your attention, personally, the question of the extension and completion of the Capitol Building, asking that you give it your consideration, and expressed hope that the subject might meet with your approval. I did all this on the basis of a former action on the part of Congress and subsequent report expressed in House Document 385, Fifty-eighth Congress, third session, being a report entitled, "Extension and Completion of the Capitol Building."

This report, presented to Congress on March 3, 1905, and referred to the House Committee on Appropriations, was the result of the deliberations of a joint committee named by Congress in the sundry civil act of April 28, 1904. The printed copy I inclose and hope that it may be of service to you. Indeed, I hope you may make it of record again, as the report is short and contains all the important data necessary to consideration of the subject in case you or your committee desire to consider it.

The action of the joint commission, as set forth in the report of March 3, 1905, was based upon a report of the consulting architects chosen by the commission, Messrs. Carrere and Hastings, of New York. These architects made a supplementary report to the commission respecting the reconstruction of the present cast-iron dome into one of marble. This supplementary report does not appear to have been presented in the commission's report to Congress. Nevertheless, it is worthy of attention, because the architects deemed the reconstruction of the dome as necessary to the completion, so to speak, of the Capitol. I hope it may be accorded a place in the RECORD, along with the report first alluded to. I therefore add it to the first report.

You will understand, of course, that the estimates of cost in these reports are subject to revision under the conditions of present market prices for material and labor.

A short time ago Hon. A. J. MONTAGUE introduced a bill providing for the extension of the Capitol, based on the reports heretofore named. I understand that this bill has been referred to your committee.

The whole matter has lain dormant since the year 1905. I therefore beg to recall to you our conversation, with the hope that the subjects of it may be taken up and considered by you and your committee, and that such consideration may result in an authorization to proceed with the work.

One recommendation in the report (page 3 of the report, paragraph marked 4), relating to the "placing a sculptural group in the House pediment," etc., has already been carried out.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States
Capitol Building and Grounds.

[Document No. 385, Fifty-eighth Congress, third session.]

EXTENSION AND COMPLETION OF THE CAPITOL BUILDING.

Mr. Hepburn, from the joint commission, submitted the following report relative to plans for the extension and completion of the Capitol Building:

The joint commission established by the sundry civil act of April 28, 1904, to inquire into and report on plans for the extension and completion of the Capitol Building, beg leave to report.

The sundry civil appropriation act of April 28, 1904, contains the following provision:

"A joint commission composed of three Senators, namely, Hon. George P. Wetmore, of Rhode Island, Hon. Russell A. Alger, of Michigan, and Hon. Arthur P. Gorman, of Maryland, and three Members of the House of Representatives of the Fifty-eighth Congress, namely, Hon. Joseph G. Cannon, of Illinois, Hon. William P. Hepburn, of Iowa, and Hon. James D. Richardson, of Tennessee, which is hereby created, is authorized to inquire and report to Congress at its next session plans in detail and estimates of cost for the extension and completion of the Capitol Building, in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications thereof as they may deem advantageous or necessary, and for each and every purpose connected therewith, including the employment of such professional and other services as they may deem requisite, and for such other expenses as said joint commission may authorize or incur, there is hereby appropriated the sum of \$50,000, or so much thereof as may be necessary; and the Superintendent of the Capitol Building and Grounds, under the direction and supervision of said commission, or such commission as may be authorized by Congress, shall conduct the making of all contracts for said construction, whenever and not before the same shall be authorized by Congress, after proper advertisements and the reception of bids, and said superintendent, subject to the direction and approval of such commission, shall employ such professional and personal services in connection with said work, when authorized as aforesaid, as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of said commission shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission."

The joint commission as constituted by the act met on April 30, 1904, and organized by the election of Hon. George P. Wetmore, of Rhode Island, as chairman.

The firm of Carrere & Hastings, architects, of New York City, were appointed consulting architects to the joint commission, with instruc-

tion to study the problem involved and submit preliminary designs and also the necessary complete plans and estimates contemplated in the act creating the joint commission, the same to be based on the plan for an extension of the central east front of the Capitol, designed by the late Thomas U. Walter and dated February 20, 1865.

The consulting architects were also requested to consider and report on the question of—

(1) Refacing with white marble such portions of the present west front of the Capitol as are now built in sandstone, preserving the present design;

(2) Replacing with white marble the two broad flights of terrace steps on the west of the Capitol; and

(3) Placing a sculptural group in the House pediment to correspond in character, size, and finish with the sculptural work now existing in the pediment of the Senate wing.

The architects were directed to report as their work progressed, and during the past summer and autumn meetings of the commission were held to receive and consider preliminary reports.

Under authority of the sundry civil act of March 3, 1903, the Superintendent of the Capitol Building and Grounds had constructed a plaster model of the Capitol Building as it exists to-day, with movable sections showing two of the three plans of the late Thomas U. Walter for an extension of the central east front. The commission has had constructed in addition models illustrating the designs submitted by the consulting architects.

At a meeting of the commission on February 19, 1905, the consulting architects submitted their report (Appendix A). They recommended the adoption of a plan marked "Scheme A" as being in their opinion the most conservative and in every way the best solution of the architectural problems involved in correcting the defects of the east facade, to which Mr. Walter called attention in his report of 1865.

Scheme A provides for moving the entire central east front forward only so far as necessary (12 feet 10 inches) to bring the main wall of the building at the center, under the extreme projection of the Dome, and give the Dome the apparent support which it should have, at the same time adding one column on each side of the central pediment, broadening the pediment accordingly, so that it will dominate the two pediments of the Senate and House wings. It also proposes to reproduce the present east front in white marble. In this scheme no consideration has been given to increased space within the building. Nevertheless, the moving of the wall easterly 12 feet 10 inches gives on the main floor to the east of the Supreme Court a series of alcoves, back of the present screen, for retiring or robing rooms, and a similar series of alcoves to the east of Statuary Hall, as well as on the floor above. In the basement this additional projection would add to the size of the adjacent rooms, enlarging and improving them, especially in the case of the law library, under the Supreme Court. In the central section of the building two spacious rooms are obtained on either side of the main entrance, with windows opening on the portico, giving 12 additional rooms for committee or other purposes, those on the first and second floors being well lighted and all very accessible. The estimated cost of scheme A is \$500,000.

The architects also submitted an alternative plan, scheme B, as illustrating what they believe to be the least objectionable manner in which the central east front can be extended for the purpose of securing any considerable room space within the building.

In scheme B the central portion is projected 32 feet 6 inches easterly from the walls of the Supreme Court and Statuary Hall, a wide corridor east of the Rotunda, connecting the Senate and House wings, is provided, and the building will gain 54 large rooms, 18 on each of the three floors. The estimated cost of scheme B is \$1,075,000.

The joint commission recommends the adoption by Congress of—

(1) Scheme A, as to the extension of the central east front of the Capitol;

(2) Also recommends the refacing with white marble such portions of the present west front as are now built of sandstone, the present design to be reproduced in every detail;

(3) Replacing with white marble the two broad flights of steps on the west of the Capitol from the upper terrace to the foot of the embankment where the garden begins; and

(4) Placing a sculptural group in the House pediment to correspond in character, size, and finish with the sculptural work now existing in the pediment of the Senate wing.

The estimated cost will thus be:

| | |
|--|------------------|
| East front extension, scheme A (see Appendix A)..... | \$500,000 |
| Reproducing the west front in white marble..... | 425,000 |
| Reproducing west terrace steps in white marble..... | 50,000 |
| Sculptural treatment of the east pediment of the House wing..... | 55,000 |
| Total..... | 1,330,000 |

A statement of the expenses of the commission to date is attached hereto, marked Appendix B.

GEO. PEABODY WETMORE,
Chairman.

R. A. ALGER.
A. P. GORMAN.
J. G. CANNON.
W. P. HEPBURN.
JAMES D. RICHARDSON.

APPENDIX A.

REPORT ON THE EXTENSION AND COMPLETION OF THE UNITED STATES CAPITOL, 1904.

To the Joint Commission of the Senate and House for the Extension and Completion of the United States Capitol Building:

GENTLEMEN: We feel deeply the responsibility imposed upon us in reporting to your commission in regard to any changes to be made in the Capitol Building of the United States, a building so interesting from the artistic as well as from the historic point of view, and which, though it may have some architectural faults, is, nevertheless, one of the most monumental and beautiful edifices in this country. We find ourselves therefore hesitating whether we should advise the reproduction of the east front of the building in marble to harmonize with the rest of the Capitol, preserving the design practically as it exists to-day, or whether we should recommend enlarging the building in accordance with Mr. Walter's plans of 1865.

In his report as architect of the Capitol extension, dated November 1, 1864, he states:

"Now that the new dome and the wings of the Capitol are approaching completion, it must be apparent to everyone that the extension of the center building on the east to the line of the new wings becomes an architectural necessity. I have therefore prepared plans for thus completing the work in harmony with what has already been done, and will place them in the Capitol for future reference."

"I do not suppose, nor would I recommend, that any action be taken by Congress in reference to such an improvement until the war is ended and the financial conditions of the country becomes settled and prosperous; but inasmuch as it is my purpose to retire from these works as soon as the Dome is finished, I deem it incumbent upon me to leave upon record my views as to their final completion."

When we read this report accompanying his plans of 1865 we were impressed with the feeling that Mr. Walter had been influenced, perhaps under pressure from Congress, by the desire to obtain increased accommodations within the building, and that he would have recommended a somewhat different treatment if he had had under consideration only the strictly architectural necessities of the design. We feel very sure that it would be better to reproduce the present design in marble, as nearly as possible as it now stands, than to carry out Mr. Walter's plans of 1865 in their entirety.

It seems remarkable, when considering the history of this building, that so beautiful and harmonious a design should have resulted from the successive additions made to the original building, the result of which is certainly a monument to the skill of Mr. Walter. Whatever faults there may be in the design are distinctly the outcome of the limitations which were imposed upon the architect in adapting the new conditions to the building as it then existed. The Dome had to be designed in proportion to the enlarged building, and yet Mr. Walter found himself compelled to place this larger Dome upon the masonry foundations and walls of the smaller Dome. Owing to the fact that the foundations were built on most unfavorable soil, he very naturally hesitated to add upon these walls any unnecessary masonry weight or to disturb in any way the existing masonry where it could be used and adapted to the new conditions. He felt very strongly, however, as we do, the defect that on the east front the Dome does not appear to be supported; in fact, it overhangs the wall of the building and seems to rest partly upon the portico. He was right in wishing to have this defect corrected and, also, in wishing to add another column on either side of the central motive on the east front of the building, thus increasing the width of the pediment and making the central motive with its pediment predominate over the two wings with their pediments. While we feel, therefore, that the direct elevation of the east front of the Capitol recommended by Mr. Walter should be carried out in every respect, we are at the same time certain that could Mr. Walter have given more time and further study to this great problem, unhampered by practical limitations, he would have been finally persuaded not to project the central building with its pediment any farther east than absolutely necessary to give the Dome the apparent support which it now lacks.

In our judgment, one of the most impressive views of the Capitol is obtained when one sees the entire east front and the Dome together, which is only possible while standing fairly close to the building and to the east of either the Senate or House wing. Now, if the central building were brought too far forward it would mask the Dome and destroy this very picturesque and yet imposing view of the Capitol, and there would be no point from where the entire height of the Dome could be seen in its relation to the rest of the building, which is now possible on the east front.

We also believe that if this central building were carried far forward toward the east the architectural effect of the entire east front would be injured, even when considered without regard to the Dome. In a monumental scheme of this character three parts or architectural motives are much simpler, and a broader and better composition, than five parts. The extreme projection of this central building would completely destroy the present composition of three units, with its breadth and simplicity, and would not only produce a division with five members—the center, the two wings, and the intervening spaces—but would make these members practically equal in size and architectural value. That such a composition already existing on the west front is nevertheless rather imposing is to be ascribed to the fact that the Capitol is always so greatly foreshortened by the perspective, due to the fall of the land on the west—a result which could not be expected on the east front, where the foreground is level and the building can be seen in close proximity.

Another important reason for not making this great projection is that it would destroy the court-like effect of the east front where the two wings project beyond the simple and broad central building, one of the most picturesque and pleasing features of the Capitol wherever seen on the east, but especially when standing fairly close to the building and looking up at the Dome.

Lastly, it would seem most unfortunate not to be able, when looking diagonally toward this facade as one approaches from the north or from the south, to see the full length of the building as at present. The extreme projection of the central building would produce this result, for it would practically mask that part of the building beyond it, so that when approaching the Capitol from the south one would see the House wing and the central projection, while the Senate would be hidden from view by the projection of the central building. The same would be true with regard to the House wing when approaching the building from the north. We are, therefore, strongly of the opinion that if Mr. Walter had been entirely unhampered by practical considerations, and if he had written his report after the completion of the Dome and the two wings, he would have reached the same conclusion.

In view of these considerations, and after very careful study, we respectfully submit plan, Scheme A, as being, in our opinion, the most conservative and in every way the best solution of the architectural problems involved in correcting the defects of this facade, to which Mr. Walter called attention in his report of 1865.

Realizing, as already stated, that the composition of this facade, and especially the relation of wall surfaces to each other, should be changed as little as possible, we have moved the entire front of the central portion forward only so far as necessary to bring the main wall of the building, at the center, under the extreme projection of the Dome, and give the Dome the apparent support which it should have. At the same time we have added one column on each side of the main pediment, broadening the pediment accordingly, so that it will dominate the two pediments of the Senate and House wings, which Mr. Walter so strongly felt should be done.

In this scheme no consideration has been given to increased space within the building, and the problem has been solved strictly according to the architectural necessities of the case; nevertheless the moving of the wall easterly 12 feet 10 inches gives on the main floor to the east of

Statuary Hall a series of alcoves which can be used to advantage for the additional storage of documents, and to the east of the Supreme Court a similar series of alcoves, back of the present screen, for retiring or robing rooms for the judges. Similar alcoves would also be obtained in both cases on the floor above, which could be reached from the central portion of the building and used for various purposes. These changes would in no way affect any of the internal arrangements or even the decorations on the main floor.

In the basement this additional projection has added to the size of the adjacent rooms, enlarging and improving them, especially in the case of the law library under the Supreme Court.

In the central section of the building two spacious rooms are obtained on either side of the main entrance, with windows opening onto the portico, giving 12 additional rooms for committee or other purposes, those on the first and second floors being well lighted and all very accessible.

We strongly recommend that whatever alterations are decided upon should be substantially in harmony with this plan, scheme A, and that in no event should the central portion of the building be made to project any farther eastward than shown thereon.

We have prepared an alternative plan, scheme B, partly to illustrate our contention that the building should not be projected farther eastward than absolutely necessary to give an apparent support to the dome, and at the same time to show what, in our judgment, is the least objectionable manner, if the architectural beauty and simplicity of the east front are to be preserved, of obtaining additional space within the building while retaining to the greatest possible extent the present character of the east front.

In scheme B the central portion has been projected 32 feet 6 inches easterly from the walls of the Supreme Court and Statuary Hall, adding to the building 14 spacious and well-lighted rooms on each floor, 7 on each side of the main entrance. These rooms are approached by a corridor of ample width connecting with both the Senate and House wings, the rotunda, and other important circulations of the building. This corridor, besides giving the Senators and Congressmen direct access to their respective committee rooms, also provides a new communication from one end of the Capitol to the other, which would be both private and convenient.

In order to obtain this through corridor and at the same time avoid the deep-recessed courts which would then exist between the Senate wing and the central building on the one side and the House wing and the central building on the other, we have indicated on the plan, scheme B, entirely new sections. Each of these new sections connecting the central building with the Senate and the House wings would contain four additional large rooms on each floor, opening into a court, supplying light from the east to the present passages connecting the main building with the Senate and the House wings. The colonnade now existing at this point is moved forward to form the easterly facade of the new connecting sections.

By reference to the plan it will be seen that under this scheme 18 large, well-lighted rooms are obtained on the main floor and a similar number on the gallery floor, available for committee rooms or other purposes. Eighteen corresponding rooms are obtained on the ground floor, some of which can be used for committee rooms and others for the services of the building.

From the practical point of view this plan commends itself to us very highly, as it provides ample and well-lighted additional space without disturbing the present internal arrangements of the building or its decorations. It establishes, besides, a new and important circulation between the two wings, serving the different new committee rooms. It produces a more interesting and satisfactory facade than could be obtained under the recommendation made by Mr. Walter in his report of 1865. It would be simpler and more dignified, and would preserve the breadth and monumental character of the easterly facade; but it would be much less interesting and picturesque. It would be such a great change from the present facade, so familiar to our people, and which they have learned to love and venerate, that we make this suggestion merely to meet the condition which has been imposed upon us by your commission of reporting a scheme with added space. We hope, nevertheless, that this alternative plan, scheme B, will not be favorably considered.

In order to facilitate the study of this problem by your commission we submit herewith a plan of the main floor of the United States Capitol and a large photograph of the east front showing the building as it exists to-day; also a complete elevation, at double the scale of the plans, showing the easterly facade as it would look in direct elevation with the greater width of the pediment obtained by the addition of one column on each side of the present pediment. Sketch perspectives and complete models of this facade are likewise submitted, further illustrating scheme A, scheme B, and the east front as it exists to-day.

In the preliminary estimates, which we append to this report, as requested by your committee, giving the cost involved in the execution of either of the schemes proposed, we have also included alternate estimates for refacing the present central building of the east facade with white marble to correspond with the Senate and the House wings, the present design being, of course, reproduced in every detail. One estimate submitted is for the reproduction of the facade in every detail just as it stands; the other includes the suggested addition of two columns and the widening of the east pediment, otherwise reproducing the present facade.

Estimates are also submitted, first, for the probable cost of a sculptural group in the House pediment to correspond in character, size, and finish with the sculptural work now existing in the pediment of the Senate wing; and, second, for refacing with white marble such portions of the present west front as are now built in sandstone, the present design being, of course, reproduced in every detail.

In accordance with your request we also submit an estimate for replacing with white marble the two broad flights of steps on the west of the Capitol, from the upper terrace to the foot of the embankment where the garden begins. We are strongly of the opinion that an error of judgment was made in using a dark material for these steps, and that the present effect is most injurious to the general harmony, dignity, and repose of this impressive front. This work would not disturb any of the white marble ramps and balustrades, and contemplates only replacing the blue-stone steps and platforms with white marble.

In conclusion we should state that during the study of this important problem and the preparation of this report we have conferred from time to time with the Superintendent of the Capitol, and we are greatly indebted to him for his very valuable assistance.

We have the honor to remain, very respectfully, your obedient servants,

CARRÈRE & HASTINGS,
Consulting Architects.

NEW YORK, December 27, 1904.

ESTIMATE OF COST, UNITED STATES CAPITOL EXTENSION.

The following estimates include in each case all labor and material complete in place on the building:

EAST FRONT EXTENSION.

Scheme A (12-foot 10-inch projection).

| | |
|--|-----------|
| Cut stone, including all steps (white marble)----- | \$590,000 |
| Masonry and fireproofing----- | 100,000 |
| Steelwork----- | 20,000 |
| Roofing----- | 15,000 |
| All interior work----- | 75,000 |
| Total----- | 800,000 |

Scheme B (32-foot 6-inch projection).

| | |
|--|-----------|
| Cut stone, including all steps (white marble)----- | \$635,000 |
| Masonry and fireproofing----- | 200,000 |
| Steelwork----- | 50,000 |
| Roofing----- | 30,000 |
| All interior work----- | 160,000 |
| Total----- | 1,075,000 |

| | |
|---|-----------|
| Reproducing present east front in white marble without any changes. | |
| Cut stone, including all steps (white marble)----- | \$455,000 |
| Masonry (entirely new wall)----- | 60,000 |
| Roofing----- | 5,000 |
| All interior work----- | 30,000 |
| Sculpture----- | 15,000 |
| Total----- | 565,000 |

| | |
|---|-----------|
| Reproducing present east front in white marble; also adding two columns and increasing the width of pediment. | |
| Cut stone, including all steps (white marble)----- | \$450,000 |
| Masonry (entirely new wall)----- | 75,000 |
| Roofing----- | 5,000 |
| All interior work----- | 30,000 |
| Sculpture----- | 15,000 |
| Total----- | 575,000 |

| | |
|---|-----------|
| Reproducing present west front in white marble without any changes. | |
| Cut stone, including all steps (white marble)----- | \$325,000 |
| Masonry (entirely new wall)----- | 65,000 |
| Roofing----- | 5,000 |
| All interior work----- | 30,000 |
| Total----- | 425,000 |

| | |
|----------------------------|----------|
| Terrace steps, west front. | |
| Marble steps----- | \$37,000 |
| Removing old work----- | 5,000 |
| Masonry----- | 8,000 |
| Total----- | 50,000 |

| | |
|--|--------|
| Sculptural treatment of the east pediment of the House wing, including the sculptor's honorarium for the model; supplying of the necessary marble, erected in place, and the execution of the carving from the artist's model. | 55,000 |
| Respectfully submitted by— | |

CARRÈRE & HASTINGS,
Consulting Architects.

NEW YORK, December 27, 1904.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. BLAND of Indiana. I wonder if the plan contemplates a change in the Goddess of Liberty that wears the Indian helmet.

Mr. SHERLEY. I do not know that that was contemplated at all.

Mr. BLAND of Indiana. The gentleman is no doubt familiar with the history of that statue.

Mr. SHERLEY. Yes.

Mr. KING. If the gentleman will pardon me, I desire to inform the gentleman from Indiana that if he will read the Standard Guide of Washington he will find that it is not the Statue of Liberty but the Statue of Victory Armed, and that is why she wears a helmet.

Mr. BLAND of Indiana. Then it is evident that the best authority in the city of Washington on that subject is wrong. I am informed that the Goddess of Liberty should have worn a liberty cap, but the liberty cap was objectionable to Mr. Jefferson Davis, then Secretary of War, who prescribed the Indian helmet.

Mr. KING. That is entirely erroneous.

Mr. STAFFORD. Mr. Chairman, when the matter was before the House there was strong opposition to adopting the report and extending the east front of the Capitol. This amendment merely proposes a revision of the estimates and enables the subsequent Congress to take such action as it sees fit on the report, and therefore I shall not press the point of order against the proposed amendment.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The Clerk read as follows:

Legislative drafting service: For salaries and expenses of maintenance of the legislative drafting service as authorized by section 1303 of the "revenue act of 1918," the unexpended balance of the appropriation for this purpose for the fiscal year 1919 is reappropriated and made available for the fiscal year 1920, together with the further sum of \$20,000.

Mr. SHERLEY. Mr. Chairman, I offer at this point, after line 14, page 37, a new paragraph, which is the amendment I gave notice yesterday that I would offer in connection with the creation of a joint committee on financial methods.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Insert the following after line 14, page 37:

"That a joint commission of Congress is created, to be known as the joint commission on financial methods, which shall consist of six Senators, to be appointed by the President of the Senate, and six Members of the House of Representatives, to be appointed by the Speaker. Any vacancy arising shall be filled in the manner of the original appointment, but vacancies shall not be created by the expiration of the term in Congress of any Member.

"It shall be the duty of the commission to inquire into the methods of the Government in connection with each of the following financial functions and their relation to one another in order to effect a proper correlation thereof and to recommend such changes in present methods as may be deemed necessary:

"(1) The preparation of estimates of appropriations and data explanatory thereof and their transmission to Congress.

"(2) The consideration of estimates of appropriations and the preparation and consideration of appropriations by the Congress.

"(3) The disbursement and expenditure of appropriations by administrative officials.

"(4) The auditing of accounts arising from the disbursements of appropriations and the reporting to and consideration by Congress of expenditures of appropriations, with especial reference to the establishment of a system of auditing and reporting of expenditures that shall be responsible to the Congress.

"The commission shall report by bill or otherwise to the two Houses of Congress, with any recommendation it shall choose to make, at such early date as may be practicable, and shall have the right to report at any time.

"The commission is authorized to sit during the session or recess of Congress, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this section. It may demand and shall receive full cooperation and assistance from the administrative branches of the Government.

"The commission may select its officers and may incur such expenses as may be necessary, to be paid on proper vouchers approved by it and evidenced by its chairman, not to exceed in the aggregate the sum of \$100,000, which is hereby appropriated and made available until June 30, 1920."

Mr. SHERLEY. Mr. Chairman, I shall not delay the House at this time with a discussion of a budget system for the Government. I have had occasion a number of times to speak on the subject, and I shall at the conclusion of my very brief remarks ask to have permission to extend them in the RECORD by making a somewhat more elaborate statement as to my own personal views touching the character of the reforms that ought to be undertaken. The amendment that is proposed provides a joint commission of six Members of the House and six Members of the Senate, the idea being that this whole matter ought to be one in which the legislative body should take the initiative and have the control of recommendations that should be made touching what to my mind is the most important reform that can take place in connection with the Government of the United States. It provides that the Members who are appointed shall not cease to be members of the commission by virtue of ceasing to be a Member of Congress. The idea of that was simply to have a continuity of work, and in that connection, for fear anyone might misunderstand my own attitude in connection with it, I shall cease to be a Member of Congress on the 4th of March, but it is not my intention to accept, even if it should be tendered to me, a place upon this or any other commission that may be created by the Government of the United States, so that the provision that is here is put here without regard to any personal desire of any Member.

Mr. Chairman, I came into this Congress nearly 16 years ago. One of the first speeches I ever made as a very young Member was to call attention to the needs to my mind of a budget system, of a system that would require both the Executive and the Congress to consider the estimates for appropriations as a whole before they undertook to consider details, and to match outgo and income with some degree of consistency.

This Nation has been so wealthy in the past that the sums that it could raise by taxation were in excess of even the extravagance of any administration or of any Congress; but the time has come when that is no longer true and when there will be required the highest order of statesmanship to match the revenues to the Government that can be obtained by proper taxation with the expenditures that should be made in economically administering that Government. It is a thing that can not be determined immediately. My personal hope is that if this should become enacted into law the members of this commission will from time to time make separate reports on special matters, in order that the Congress might digest the proposals that come. One of the things in particular that I hope will come out of the recommendations of this commission is an independent audit, subject to the control of Congress and not to the administrative branch of the Government. [Applause.] That was the great reform that Gladstone put into the parliamentary

procedure of England. It is the one thing that is essential in order to keep Congress advised of expenditures without compelling it to look to a lot of details; and, as I have repeatedly said to the House, the trouble is that with such a mass of detail as we have to consider here we do not have the time for the consideration of great policies of government, with the result that administrations determine policies and Congress simply votes money to carry them out. I believe that in a free country the real power of determining policy must rest with the legislative branch. There is a limitation upon what men can do, and if the Congress is required, in order to prevent waste, constantly to consider little items of detail in the various departments, it inevitably follows that it can not have the time for the consideration of those great, vital things that affect the very nature and structure of our Government. I hope that by a proper system of audit, of audit that is responsible to the Congress, we can have brought to our attention the things that need correction without the detailed consideration that is now required, and that that will give the leisure to enable this House—which, after all, is the real guardian of the liberties of the people, because it represents at short periods of time the popular will of the people—to take its true place in determining what shall be done and what shall not be done in respect to the great questions that confront this country and the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. HAWLEY. I followed the reading of the amendment as closely as I could in the confusion existing in the Chamber. Does this amendment provide that the Members to be appointed in the Senate and the House shall be divided between the two political parties?

Mr. SHERLEY. It does not, and yet it is my idea that it should. Personally I have no objection to the insertion of an amendment that will so perfect the form. It is my belief that the Speaker of the House of Representatives ought to pick out six of the ablest men in the House—three from each side. This is not a matter of partisanship; it is a matter in which we are all equally concerned. Both parties are on record in favor of the reform. I think the Speaker ought to appoint three men on each side, and I hope the Vice President will do the same in the Senate, and that those men, having, as the amendment provides, a sufficient fund to get proper clerical assistance, and to have the departments subject to their orders touching help and information, may report from time to time to the Congress. The House of Commons in England recently created a committee for this very purpose, and one of the most interesting things is that in their last report—I think their ninth report—they are proposing a committee that bears a very close relationship to the Committee on Appropriations in this House, and the criticisms of their procedure are just as severe, if not more so, than any criticism I have heard against our own. And that, by the way, is a good illustration to those who think everything else is done better elsewhere than at home, of the old saying that far-off oxen have long horns. They have their problems there and elsewhere, and they are not solved. The problem of good government will never be finally solved. It will be a progressive matter. My idea and my hope is that there will be a commission of the character I have indicated.

Mr. HAWLEY. Mr. Chairman, will the gentleman offer such an amendment?

Mr. SHERLEY. I shall be happy to do so. Mr. Chairman, I offer to amend, in line 5, after the word "Representatives," by adding the words "three of whom shall be of the majority party and three of whom shall be of the minority party"; and I offer after the word "Senators," in line 3, the same amendment.

I desire, under leave granted to extend my remarks, to reprint a speech made by me in the House of Representatives on February 28, 1913, which, for lack of time now to prepare a more comprehensive statement of the necessity for the creation of the joint commission proposed by this amendment, sets forth the main defects which I believe to exist in our present system of dealing with estimates, appropriations, and expenditures:

SPEECH OF HON. SWAGAR SHERLEY, OF KENTUCKY, IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1913.

"Mr. SHERLEY. Mr. Speaker, I desire to express to the Members of the House my appreciation of the opportunity afforded me to speak to them in these closing hours, when there is a

much of legislation to be enacted, and my only excuse is that the subject of my speech I believe to be of great importance to the House and to the country, and I desire the intelligent criticism of my colleagues touching the proposals that I shall make relative to the procedure of the House. Two days ago the President of the United States sent a message to the House on the subject of a national budget. I shall not undertake in the limited time at my disposal to deal with the many phases of so vast a subject as that or to consider the message itself, but beyond some incidental remarks touching the general subject of a budget I desire to address myself to the proposition of creating a budget committee for this House in order that there may be a more comprehensive and effective consideration of revenue and annual supply bills.

"The United States is peculiar among all of the great nations of the earth in that it has never developed what might be called a budget system of government. At the time of our independence, England had not developed that system of responsible government that has since been the model for so many other nations, and a budget as a method of fixing responsibility was, in its modern sense, practically unknown. And yet the elements of a budget system are found in the Constitution itself. Article I, section 8, provides that 'the Congress shall have power to levy and collect taxes, duties, imposts, and excises'; and section 9, paragraph 7, provides that 'no money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be furnished from time to time.' By these provisions the legislative body, the only logical representative of a free people, is given primary and theoretically complete control over taxation and expenditure, but by virtue of other provisions in the Constitution giving to the President the power and duty to administer the law, with the right to appoint the chief administrative officers, such actual control over expenditures as is exercised by Parliament under the English system is impossible here.

"I shall not undertake now any discussion of the English system. It is sufficient to point out that its cardinal virtue lies in the fact that those who administer the laws are chosen from and are a part of the legislative body and hold their ministerial posts at the will of that legislative body.

"Yet constant reference is made to this system, and by some all proposals are to be measured by it. In so doing they seem to forget that government is a matter of evolution. Probably the cause of more failures to reform methods of doing government business—city, State, or National—is the fact that the man proposing the reform faces it from the outside rather than from the inside. Governments, like men, are always narrowed and restricted by habits—personal habits, if I may be pardoned for such a use of the word—habits that restrict their activity and their initiative just as they do every individual. Having in mind some of the habits of our Government, and particularly of this body, I have a proposal that, while not representing an ideal reform, is sufficiently simple, I trust, to enable it to be adopted and yet of sufficient importance to produce some real relief from our present intolerable system and in time lead the way to other reforms. But, before I read the proposal, let me very briefly outline our present practice, familiar though it is to most of you.

"The theory of the makers of the Constitution was a separation of the executive, legislative, and judicial departments, a separation that has continued and must continue in the absence of a radical fundamental change in our Constitution. And, as I have indicated, that makes unnecessary of consideration the many propositions that are presented that are predicated on the idea of a ministry that is the Government and comes out of and is answerable only to the legislative body; where they prepare and present a budget and on its legislative success or failure depend their ministerial lives. Here the President, chosen by all the people and absolutely free from accountability to Congress, save only through impeachment for malfeasance in office, selects his Cabinet officers, who by express constitutional prohibition may not be Members of Congress. These Cabinet officers are responsible to Congress in no true sense of the term, their tenure rests with the President, and while Congress may and does impose duties upon them, the proper performance of such duties can in no effective way be compelled by it. Among the duties so imposed is one requiring them to submit detailed estimates of needed appropriations for an ensuing year.

"The estimates must be submitted to the Secretary of the Treasury by the 15th of October each year and by him submitted to Congress upon its opening in December of each year. It is made his duty to assemble them and to present them to the Congress in the form that has been usual in presentation of the

estimates of the various departments; and if they are submitted to him in a form other than that in which they have heretofore been submitted, it is his duty to put them in the proper form, leaving to a footnote any suggested change in form. Recently it has been made also his duty to estimate the revenues of the ensuing year and the appropriations probably necessary for the maintenance of the Government; and if it is found that the appropriations will exceed the estimated revenues, then he shall certify that fact to the President of the United States, that the President in communicating to Congress may inform it how the appropriations can be curtailed or the revenues increased. Many other provisions of law exist touching the preparation of particular estimates, concerning which you are doubtless familiar. All of these various laws are ones limiting the discretion of the administrative officers. These limitations are frequently the cause of useless trouble and expense in particular cases, but Congress, having, as I have indicated, no real direct control over the departments and constantly finding abuses, is forced into continual limitations upon the discretion of all these officers. Congress, in brief, distrusts them, and they in return frequently assume an attitude of hostility toward its will.

"And this is a condition that is not simply the result of an improper presentation of estimates and expenditures, as stated by the Economy Commission in its budget report, but grows directly out of the facts I have just stated of Cabinet officers having a fixed tenure and a responsibility, not to the body granting the funds but to the executive who is to see to their expenditure. Now, in the preparation of the estimates of the departments each Cabinet officer acts on his own responsibility, and while they are all transmitted to Congress by the Secretary of the Treasury, he is simply the messenger for the various departments.

"John Sherman, one of the very greatest of the Secretaries of the Treasury that this country ever had, undertook to get the power to supervise the estimates of the other members of the Cabinet. But naturally every one of the other Secretaries objected to having a veto power given to anyone else over the budget that he presented, and so the matter failed. But Congress could well afford to give to one member of the Cabinet not only the power but to make it his duty to revise these estimates. And the reason of that would be this: You would then compel a certain consideration by the executive department of the budget as a whole. There is a tendency for each Secretary to consider the needs of his department only; and not unusually the sum total of the estimates to be submitted is found not by any consideration of the Government's power to raise revenue, not by any consideration of the relative merits of this department's demands as against that department's demands, but simply by the opinion that the head of each department has of its needs and then a sum in addition. And so I believe that one of the reforms that should be had and that could be had without in any way changing the present form of government would be to empower and direct the Secretary of the Treasury to revise the estimates. Of course we can not require the President. We can simply do as we did in this instance that I speak of, require the Secretary to communicate to the President that the President may, in turn, inform Congress. But the fatal mistake in the provision enacted was that it required the Secretary of the Treasury only to inform the President when he found the estimated revenues to be less than the estimated appropriations for the ensuing year. Now, the reason for it exists just as much in a case where the revenues of the country may be sufficient to meet the ordinary expenses as it does where we are likely to have a deficit in the revenues. And unless the duty is imposed upon him you will not have, other than through the initiative of some Executive desirous of bringing about reform, that supervision and consideration of the different items that go to make up a budget.

"I quite agree with the Economy Commission that the form in which estimates are submitted is not one calculated to give to Congress the information it most needs or desires. A rearrangement should be made of the estimates, but here it is well to bear in mind what I have said of the habits of government. This Congress has adapted itself to certain classifications. Some should be abolished, but some, though scientifically not defensible because of a fixed habit, should be retained.

"In some particulars we have a proper plan. The beginning of the fiscal year is near enough to the time when the estimates are submitted and near enough to the period at which those estimates are likely to have been enacted into law to bring about as much accuracy as possible in dealing with the future. In this regard I think the system is all that it should be. We have also passed stringent laws in regard to the creation of deficits, and have done much to require the keeping within the year of the expenses of the departments, and not to permit the

borrowing from a future year for the expenses of a current year, with the idea of enabling the Government and the legislative branch of it to know without serious difficulty what the appropriations for a particular year happen to be. But much more can be done along this line.

"But the great reform to be made is, as I have said, to compel consideration by the Executive and his Cabinet of the estimates as a whole. It may be that Congress will insist on having the original estimates of departmental chiefs, though I do not believe it need to, but certainly, if possible, the Executive should be required to assume the responsibility of a budget proposal, and Congress can then take the responsibility of granting, curtailing, or enlarging such proposal. As it is now, there is no true central executive responsibility. Much of this reform could be had without change of law on the initiative of the President. It is his duty to advise Congress from time to time, and as a basis for such action he can require any information desired from administrative officers.

"But it is not as to the administrative side of the budget that I desire to chiefly speak, but of its legislative aspect, though they are so dependent upon each other as to make it necessary to constantly consider both.

"The estimates sent to Congress, as you know, are distributed to the various appropriating committees and these committees from time to time report bills appropriating such sums as are considered proper for the various governmental departments.

"Up until the Civil War the Committee on Ways and Means had jurisdiction over both the levying of taxes and the appropriation of the revenues. It very properly, from the standpoint of theory, had charge of those two highest functions of government, the levying of taxes and the spending of money raised as a result of the levy. But in 1865, largely on account of the tremendous labors that were being imposed upon that committee, a division took place, and there was created the Committee on Appropriations, and given to it exclusive power over the appropriation bills, leaving to the Ways and Means Committee the power it now has of exclusively considering the revenue bills. In this country it has been supposed by some people that there was not that same need for having a central authority over matters of raising revenue and matters of expenditure that existed in other countries. To my mind that is a mistake. It has been true, and probably will be true for many years, that Congress will levy taxes frequently for purposes and reasons other than the raising of revenue. But it ought to be true that somewhere in a legislative body there should be some central authority to consider the levying of taxes and the raising of revenue in connection with the appropriation of moneys for the maintenance of the Government. Nothing is stronger evidence of a bad system of government than the piling up either of huge surpluses, that are a constant invitation to extravagance, or the failure to provide sufficient revenues to meet the ordinary and necessary expenses of the Government. And to properly prevent that there must be cooperation somewhere between that power that first formulates the bill to levy the taxes and that power that first formulates the bill disposing of the money so raised. But we have not only separated these two functions of raising revenue and of disbursing revenue, but in 1880 we took from the Committee on Appropriations control over the Agriculture appropriation bill; and that was followed in 1885 by taking from them control over the appropriation bills relative to the Army, the Navy, Indian affairs, foreign affairs, and rivers and harbors; so that to-day the Committee on Appropriations has control of 6 out of the 14 supply bills, and you have seven or eight different roads to the Treasury; and as Mr. Tawney, the former chairman of the Appropriations Committee, very happily said, 'As many byways as there are members of these appropriating committees.' The result of that has been that there is not now any consideration in Congress of the appropriations as a whole.

"Only in these closing days of Congress has any consideration been given to the total of expenditure that is to be made for the ensuing fiscal year. In other words, after the act has been done and is in large measure beyond recall, there then comes a summing up to determine whether or not it has been a wise or a foolish act.

"Now, a more indefensible system can hardly be imagined, and all will unite in condemning it. But what of the remedy? And that brings me to my proposal. I have undertaken to provide in the resolution that I will read in a moment a means to compel a consideration by this House, and through that consideration by the country at large, of the broad fundamental question of how much shall be raised and how much shall be expended during a fiscal year; and that having that, we will then be able to consider not simply the details of particular supply bills, as we do now, but how far we want to pursue a given policy of

government touching expenditures along one line or another. The resolution I have introduced is in language as follows:

"Resolved, That the following rule be added to the rules of the House, and to be known as section 6 to Rule X:

"6. There shall be a committee on estimates and expenditures, whose personnel shall consist of the following members: The chairman and three ranking majority members and the ranking minority member of the Committees on Ways and Means and Appropriations, and the chairman and the ranking minority member of the Committees on Rules, Agriculture, Foreign Affairs, Military Affairs, Naval Affairs, the Post Office and Post Roads, Rivers and Harbors, and Indian Affairs. The chairman of said committee shall be selected by the members thereof. Said committee shall, as soon after the convening of each regular session of Congress as may be, report to the House the amount of revenue probably available for appropriation for the next fiscal year, and apportion the amount to the several appropriation bills within the jurisdiction of the committees empowered by the rules and practice of the House to report appropriations from the Treasury. This report, or supplementary reports to meet exigencies of the public service, may be made on any legislative day after the reading of the Journal, and when agreed to by the House shall limit the totals of the appropriations reported by the several committees.

"The proposal is substantially this: That instead of undertaking what I believe to be the impossible task of bringing back to the Committee on Appropriations jurisdiction of all the supply bills, to create a committee composed in its personnel of the heads of the various appropriating committees. I gave to the Committee on Ways and Means representation greater than any other committee except Appropriations. I did that because the Committee on Ways and Means is properly charged with the great function of determining the amount of revenues that shall be available. I gave to the Committee on Appropriations a preponderance over other appropriation committees, not out of partiality for that committee, but because it has under its charge six of the great supply bills, whereas the other great appropriating committees have only one, except in the instance of the Committee on Military Affairs, which reports two supply bills. I also made as a part of that committee the chairman and the minority member of the Committee on Rules, because that is necessarily the great political committee of the House and should have a voice in a matter so fundamental as the arrangement of a budget.

"This committee would consist of 16 majority members and 10 minority members. It is urged that that is too large a number, but I desire to suggest to the House that it is really two committees, because the majority members would necessarily come to their conclusions in private, just as the majority members of the Committee on Ways and Means now do, and they would then present to the minority members their proposal.

"A counter proposal of the minority would be made, and those two proposals would come to the House for adoption or modification. These reports would bring to the attention of this House and require the consideration by it of the real purposes of government and of legislation, for in the final analysis nearly every proposition that comes before a deliberative body is one either of taxation or expenditure.

"Now, I insist that one of the most vicious things that has occurred in America has been the constant raising of revenue without any consideration of the needs of revenue for the purposes of government, and, as a result of that—having a country whose tax limit has never been even approached, let alone reached—we have at various times piled up great surpluses in the Treasury, a constant invitation to extravagance in expenditures.

"This report when adopted should be made a limitation upon the power of any committee to report. As an illustration, the committee on the budget estimates that the revenues will amount to a thousand million in the ensuing year and that that sum should be the amount proper to be expended. Having determined that general amount, it then allots it, and it says to the Army, 'You will have \$90,000,000.' It says to the Navy, 'You shall have a hundred and thirty million dollars.' Of course, I am speaking just in loose figures, and to the various other appropriating committees, you can appropriate such sums. The problem, then, that will confront the departments will not be simply how much can we expend—that has been determined—but how best can we expend that sum in the interest of the people of America? [Applause.] And instead of having the ingenuity of the department expended in trying to arrive at reasons for increased appropriations you will compel every department which comes with a particularly new or pet proposal of theirs to show something that can be eliminated or economized in in order to make room for the new proposal.

"Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question there.

"Mr. SHERLEY. I yield to the gentleman.

"Mr. HUMPHREYS of Mississippi. Suppose the Congress should think it desirable to engage upon some enterprise; for instance,

if we should undertake to take the Mississippi River out of the rivers and harbors bill and undertake to prevent the floods in the lower river just as we undertake to dig the Panama Canal, would not the fact that the budget at the opening of the sessions had limited the expenses to a given sum for that year preclude the Congress from undertaking that work?

"Mr. SHERLEY. It would not necessarily, because the committee on the budget is given power to bring in supplemental estimates from time to time.

"Mr. HUMPHREYS of Mississippi. It would not prevent any committee from bringing in such a bill without the consent of the budget committee previously obtained?

"Mr. SHERLEY. It would as to any appropriation not provided for in the original report or some subsequent report of the budget committee. Now, the resolution I read I do not think is complete, nor do I think it is entirely in the proper form. I am sure that it should be supplemented by a rule which would make subject to the point of order any bill reported by any committee appropriating a sum that was in excess of the amount allotted for such purpose; so it would be within the individual power of any single Member to recommit to the committee reporting it a bill which violates the rule that the House had adopted. In addition to that I am inclined to believe we are going to be forced to the position now occupied in the English Parliament, where it is no longer in the right of a single member to make a motion to increase any item in any of the supply bills.

"Mr. FOWLER. The gentleman says you make subject to a point of order an appropriation in amount in excess of the budget allowance. Now, would the gentleman also make it subject to the point of order to appropriate a sum less than the amount of the budget allowance?

"Mr. SHERLEY. By no means. I would not undertake to say these committees in working out their details should not make economies beyond that suggested by the budget committee. The whole function of the budget committee is not to usurp the work now being done by the various appropriating committees, because, in my judgment, there is no limited number of men, such as would comprise a committee of working size, sufficiently industrious and sufficiently intelligent to do the work of preparing the detail of all the supply bills that are to be appropriated by this Congress, and that is one of my answers to the proposal frequently made that you should give back to the Appropriations Committee entire charge. I say, if we do that, it will result in dividing that committee simply into subcommittees, and that those subcommittees would be as distinct for all practical purposes as the various appropriating committees are now.

"Mr. HAMLIN. I am in entire sympathy with the gentleman, I think, and I believe he is along the right line; but it has been suggested—I have heard it suggested—that it might place too much power in the hands of a few men, and, as I understand the general scheme, this budget committee must report to the House, and the House must adopt its report before it is binding.

"Mr. SHERLEY. The gentleman is right. The budget committee's report would be binding only when approved by the House.

"Now, the criticism suggested by some and just mentioned by the gentleman really applies to the proposal urged in lieu of mine, of giving back to the Appropriations Committee exclusive jurisdiction of supply bills. That is what destroyed it before. That committee would determine what is the real function of the House alone to determine—the relative size of the various bills. Now, I believe in power and with it responsibility, but what I particularly want is the power of a party and not a committee of a party, and then, as a true sequence, party responsibility.

"In my judgment, a lot of the trouble in American public life now is not so much that a combination of men have too much power, but that many individual men have so much hidden power that no party can be held responsible by the American people. I am a believer in party government. I believe the present condition of affairs we are passing through in America is altogether a temporary one. You can not agree to the idea, that we of Anglo-Saxon stock have been bred to believe in, of a true representative government unless you have party responsibility, and one of the curious features of evolution in America is that everywhere else than upon the floor of this House the tendency has been more and more toward the centralization of power, and with it responsibility. What is the meaning of the commission form of government in cities? What is the meaning of the constant tendency to lessen the number of officials? It is to give to a limited number of people power, and then give to the great body of the people the right to make those men who have been given this power answerable and responsible.

"Now, we have developed in America a peculiar system, a system of committee government largely brought about by the tremendous detail of legislation that comes in a great country like this. The result is that every old Member realizes that in committee is done most of the great creative work touching legislation. That is a condition that we could not change now, if we would. But it ought to result not in taking away from committees power in the first instance, but in bringing their work before Congress, so that the whole body can pass judgment upon it and so as to create party responsibility. We had a debate in this House just a few days ago touching the size of the American Navy. That debate should not have happened on the naval bill. It ought to have happened in the consideration of a budget. This House ought to determine, the Congress ought to determine, in the first instance, how much it can and how much it is willing to expend for military purposes, whether for the Army or for the Navy, how much for peace, how much for the ordinary upkeep of the Government, and that determination should be made before we get into the details of bills.

"If that had been had, the question that would have been before this House for determination when the naval bill was up would not have been the size of the bill, but whether the particular items were proper items and whether that amount of money could better be expended in building a particular type of ship or another type or doing this particular work or that particular work. Instead of that you had a debate here that undertook, in a way, to review the general appropriations and whether we were running away beyond what Congress ought to appropriate during a single session.

"Mr. TILSON. Mr. Chairman, may I interrupt the gentleman?

"Mr. SHERLEY. Certainly.

"Mr. TILSON. I would like to ask just what part the gentleman has assigned here to the Senate? What would he do with the amendments brought in by the Senate?

"Mr. SHERLEY. That raises a question I expected to come to later, but will discuss now. It has been suggested that this plan would be of no avail because we fail to take into consideration the Senate, which is a body of equal power with this. I grant you that is a weakness, and it may be that the remedy for that is to have this committee on the budget to report a concurrent resolution, which shall be adopted by the House and sent to the Senate, and there considered by the Senate and if modified go through the ordinary course of conference, and finally be agreed to, and, when agreed to, shall mark the absolute limitations of the Congress.

"Some have suggested the idea of a joint committee made up of the House and the Senate, but knowing, as I said in the beginning, the habits of Governments, the habits of these legislative bodies, I did not believe it was practicable, at least at this time, to bring about such a joint committee of the House and the Senate. But this I do think would happen, even if we had no cooperation with the Senate: The very moment you focused public attention upon such a consideration as I have outlined would be the result of this budget committee's report, that moment you would stop most of the abuses that we all now recognize.

"Why is it the American people are so indifferent to expenditure? Is it that they are an extravagant people? Is it that they accept in a loose way the constantly repeated statement made here of a former Speaker, that this was a billion-dollar country, and therefore we should have a billion-dollar Congress? No. The reason the American people have heretofore not been interested in questions of expenditure is because they have never had brought to their attention in its broad aspect this question of expenditure. The only time the American people know anything about what we are going to spend is after we have appropriated it, just as this House only knows after it has ended its labors. If this House had known in advance it was liable to find itself with the total it now finds itself with, in my judgment you would have had a very different attitude touching these various supply bills, and when the people have learned of the expenditures there is no party upon whom can be rightfully placed the responsibility.

"While as to the personnel of this budget committee I am not indifferent, I am in no sense wedded to the proposal here made. It has been suggested by some that it would be well simply to have two majority members and one minority member of each of the appropriating committees. My own idea was that the Ways and Means Committee and the Committee on Appropriations were entitled to a larger representation, because they represented in their subsequent work larger interests than those of any other single committee.

"Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

"The SPEAKER pro tempore (Mr. FLOYD of Arkansas). Does the gentleman yield?

"Mr. SHERLEY. Certainly.

"Mr. ALEXANDER. If the resolution were agreed to and this budget committee created, would it not devolve upon this budget committee the duty of hearing all the claims made for appropriations, and would they not duplicate the work of the several committees or else take over to themselves that entire work? How would you manage that?

"Mr. SHERLEY. I think not, although I want to say that the clerk of the Committee on Appropriations, for whose judgment I have a very great respect, and who has had an experience away beyond that of any man here, has thought that that would be the result. Here is what I think: I believe that it would be easily possible for such a committee, having as a part of its personnel men who by previous experience as chairmen of the various committees were familiar with details, to consider the broad questions without hearing all of the people that these various committees now hear or determining all the details. And I suggest a further thought that the trouble now is with all of our appropriations that they are not based upon what we ought to expend or upon what the country ought to be willing to stand for in the way of taxation, but they are based upon what men who have the expenditures to make say they need or desire.

"I believe the time is coming in America when Federal taxation plus that already made by State and county and city is going to be sufficiently burdensome for the membership of this House to consider how far it is warranted in levying a tax; and whenever you reach that point, then you have got to consider—truly consider—a budget. Heretofore, with the idea of doing welfare work by virtue of taxation, we have gathered together such huge revenues that we have never had to consider the question of retrenchment, except occasionally in times of depression.

"Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

"The SPEAKER pro tempore. Does the gentleman yield?

"Mr. SHERLEY. Certainly.

"Mr. ALEXANDER. I simply want the gentleman from Kentucky to understand that I am in entire accord with the purpose that he hopes to accomplish.

"Mr. SHERLEY. I am obliged to the gentleman for his interest and inquiry.

"Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

"The SPEAKER pro tempore. Does the gentleman yield?

"Mr. SHERLEY. Yes.

"Mr. HARDWICK. As I understand the gentleman's plan, it is that, with the exception of some Members from the Committee on Ways and Means and some from the Committee on Rules, the balance of the budget committee would be taken from the appropriating committees of the House. Of course, that is necessary to some extent; but does the gentleman consider that on this budget committee some balance or equilibrium ought to be maintained between the appropriating and the nonappropriating committees; or, in other words, between the fellows who want to hold things down and the fellows who want to increase appropriations? I ask the gentleman whether it would not be a good thing to hold a balance between the economists and the others who might not be economists?

"Mr. FITZGERALD. Where are they? [Laughter.]

"Mr. HARDWICK. I do not know. My private opinion is that they are not anywhere. [Laughter.]

"Mr. SHERLEY. The safety lies in the fact that you have to have the approval of the House of the budget committee's recommendation before it becomes effective. What I believe would happen is this, that the recommendations of the majority members of the budget committee would come before a caucus of that party and would be perfected and adopted in caucus, and that the minority proposals would come before the minority caucus and be approved there.

"Now, I know that there are men on this floor who absolutely differ with that idea, men who do not want what they say is caucus government. I answer by saying that what you need in America more than anything else is party responsibility. Who is answerable for large expenditures? We on this side load the blame on you, and you in return lay it on us. Each of us points to various and sundry votes that have been cast touching appropriations to support our position. But whenever a party comes in with a proposal touching the expenditures for the entire ensuing year, that moment it will make an issue, and an intelligent issue, on which the electorate of the country will determine who shall be given the reins of power.

"Mr. HAMLIN. Mr. Speaker, will the gentleman yield to me for an interruption?

"The SPEAKER pro tempore. Does the gentleman yield?

"Mr. SHERLEY. Certainly.

"Mr. HAMLIN. I recognize that this is one of the most important propositions that has come before the House lately, and I am very much interested in it. I want to ask the gentleman this question: The country is growing from year to year, and of course appropriations and expenditures must keep pace with the growth of the country. Now, this budget committee, in parceling out the amounts of money that shall be permitted to be appropriated this year by the Naval Committee or the Military Committee or the Committee on Agriculture or any other committee, will have to take into consideration, will it not, the estimates of the different departments?

"Mr. SHERLEY. Yes; of course.

"Mr. HAMLIN. Would they not have to hear evidence?

"Mr. SHERLEY. They ought to take up the estimates in one sense. I believe, as I said in the beginning, that this is only a step toward a full reform. What you must have finally is to have the administrative end of the Government present its budget to the legislative end, a statement of what it is willing to stand sponsor for and what it considers to be needed, and then let the legislative body, as it alone can do, determine the policy of how far it will warrant the proposals of the administrative end.

"Now, as to the hearing of evidence. The gentleman has in mind that that would require a consideration of details, just as suggested by the gentleman from Missouri [Mr. ALEXANDER]. I answer no. I believe it is possible to bring before the committee the broad, general question of expenditures. They would not have to go into the details. For instance, take the Committee on Fortifications. I speak of that because as chairman of that subcommittee I am peculiarly familiar with it. That bill carries, as a rule, somewhere from four to seven or eight million dollars a year, dependent somewhat upon the amount of new work that is to be undertaken, the maintenance funds, and so forth. The budget committee would not be required to do the detailed work of examining that my subcommittee does in determining whether a particular amount of money is necessary to buy searchlights or range finders in order to decide whether this Government, as a matter of policy, should spend \$5,000,000 or \$7,000,000 or \$10,000,000 or \$15,000,000 on seacoast defenses.

"The trouble is that we have all gotten a reverse idea of the functions here. We have gotten the idea that the policy of Congress is to be determined by estimates. I insist that it is the duty of Congress to determine how much it can afford to tax the people of America; and, having determined that, then to apportion the amounts to be used for the various purposes that they consider requisite and necessary.

"Mr. HAMLIN. In that I agree with the gentleman from Kentucky absolutely; but it occurs to me that in the evolution of this thing finally it might result in the budget committee of necessity going into details, and I want to say that I do not believe I would be averse to that idea. I do not know but what all of these appropriation bills ought to be reported from one committee.

"Mr. SHERLEY. My own judgment is that it is absolutely impossible for one committee to do it.

"Mr. HAMLIN. With a large committee you could subdivide it.

"Mr. SHERLEY. If you subdivide it, you have all the ills you now have, of a divided control over the matter; and what I am after is not simply the consideration by the same individuals of each individual bill, but I am after forcing the consideration by the Congress, and through it by the country, of totals. That is the important thing that must be brought about if you are to have a reform.

"Mr. HARDY. I understand the gentleman's whole theory is that the Government, as a wise business concern, should start off by saying how much money it may be able to raise and spend during the year, and then say to the departments, 'Make your estimates within that total range.'

"Mr. SHERLEY. Unquestionably. As I have said, this theory found expression when the Ways and Means Committee had not only charge of the revenue-raising bills, but it had charge of all appropriating bills; and it was only at the time of the Civil War that that power was taken away from the Ways and Means Committee. It is interesting to remember why. It was because the work became so heavy that they could not do it. Then what happened? The Committee on Appropriations had the entire jurisdiction of supply bills, and there came a great fight on a great leader who was chairman of that committee, and it was believed that Samuel J. Randall had gathered to himself so much power as chairman of the Committee on Appropriations that in order to give the membership their proper share in the Government the Committee on Appropriations should be stripped of some of its power; and gradually, one by one, the appropriat-

ing powers that now find lodgment in these various other committees were taken from the Committee on Appropriations.

"Mr. HAMLIN. I understand that perfectly, I think; but here is the idea: How could this committee properly and fairly determine how much money the Rivers and Harbors Committee, for instance, could expend this year unless they went into the details of the work?

"Mr. SHERLEY. The thing to determine first is how much the Rivers and Harbors Committee shall spend; not how much they could spend.

"Mr. HAMLIN. I did not mean how much they could spend. I meant how much they needed and ought properly to have.

"Mr. SHERLEY. The Rivers and Harbors Committee is a very good illustration. River and harbor work, so far as it relates to contract obligations, ought to be determined by a settled policy that should bear a relationship to the necessary expenditures made along other lines of governmental activity. In other words, every question of expenditure is not simply a question of whether a particular thing is well to do, but whether that thing is well to do, having in mind the need or the desirability of doing some other particular thing. Therefore it would be perfectly easy for a budget committee to determine as a matter of policy that, say, \$50,000,000 should be expended for river and harbor work. And it would not need, in order to determine that question, to go into the subject of how much money was needed for the particular work on Red River or how much was needed on the Missouri or the Ohio, but it would determine that, considering the revenues, we can afford to spend only so much, and then it would properly leave it to the Rivers and Harbors Committee to work out the details.

"Mr. EDWARDS. Will the gentleman yield?

"Mr. SHERLEY. Yes.

"Mr. EDWARDS. Does not the gentleman think that perhaps we would be up against this proposition: The budget committee would say that it might expend, say, \$50,000,000 for the purpose of improving rivers and harbors, and there would be an incentive or inclination on the part of the committee to go up to it, when, in point of fact, the necessities might not require that amount?

"Mr. SHERLEY. That might be so; but they go up to that point and beyond it now. There would be this: If you carried along with this proposal the other proposal that it should not be in order, in the consideration of any supply bills, for a man to offer an amendment increasing the amount, the activity of the Committee of the Whole would be engaged in holding down the appropriation, whereas every man knows now that every chairman of a committee with a supply bill who comes out here does not have to fight to keep his bill from being reduced, but he has to fight to keep the Committee of the Whole from running away with it and increasing it. Why? Because the selfishness of individual men will always compel, whenever the House permits it, these men to increase expenditures.

"So you have to-day by the rules to protect the Committee of the Whole against the selfish opportunity of individuals. We are all alike; we live in an atmosphere where a man's success here is essential if he is to live. He does not have the opportunity a member of Parliament has, where he lives or falls with his party. Here every man has to show an individual activity under our present system, and as the result of a spur from behind he is constantly seeking to get something for his particular locality, and until you prevent that by the rules or cultivate a public opinion that will not judge Members by the amount of money they bring home to their districts, you will have the same tendency continued.

"Mr. EDWARDS. How many members does the gentleman say the budget committee ought to consist of?

"Mr. SHERLEY. I have stated 26 members.

"The SPEAKER. The time of the gentleman from Kentucky has expired.

"Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Kentucky be extended 15 minutes.

"The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Kentucky be extended 15 minutes. Is there objection?

"There was no objection.

"Mr. MURDOCK. Will the gentleman from Kentucky yield to me for a question?

"Mr. SHERLEY. Certainly.

"Mr. MURDOCK. Under our party government ordinarily the executive department is of the same party as the legislative department, or the majority in the legislature, and the executive department, by reason of patronage and other things, dominates more or less the legislative branch, and the origin to-day of appropriations is not generally on the floor but is in the departmental

offices. They do make extravagant demands upon the legislative committees. As I understand the gentleman's proposition, it is—and I think it has virtue—that the initiative of the amounts to be expended will be, in fact, in the legislative body and not in the executive body?

"Mr. SHERLEY. Not entirely. It is true that no legislative body can, by virtue of its very numbers, by virtue of the multiplicity of its duties, know as the administrative officers can know the particular needs of a particular service. They only know in the first instance, and there must of necessity be given to the Congress through the administrative offices this information, and that is the true function of the budget from the administrative end. But this is a legislative function; having obtained that information, to determine how far, considering that every expenditure represents a tax, the resources of the country warrant the levying of taxes to raise given amounts, and how far a particular bit of governmental activity, though it may be worth while as an abstract thing, is warranted, having in mind the burdens of taxation and the need of certain other things.

"Mr. MURDOCK. Will it not actually follow under that proposition that the executive department, having in mind certain necessities and referring that to Congress as the needs of the department, will determine the budget and the amount of money to be expended, and will you not be traveling in a circle?

"Mr. SHERLEY. Not entirely. In the first place, the time has never been when Congress absolutely accepted the recommendation of the department, and it never will be and it never should be; Congress should always exercise a supervision over it. The trouble now is that you get nothing from the departments that approaches a budget.

"The Executive has absolutely neglected one of the chief functions of an administrative officer, and that is not simply to see that moneys appropriated are properly and economically expended, but to determine the needs of the Government as a whole. As I stated in the beginning, estimates are now made by district and local officers. They go on up through the heads of the departments and finally to the Cabinet officers, and then are by them sent through the Secretary of the Treasury to Congress. You have no real premier of the Cabinet, and you have never had practically a consideration by the Executive of a budget as such.

"Mr. MURDOCK. But you do have a maximum demand from all departments.

"Mr. SHERLEY. Yes; but it largely represents an appetite rather than a theory of government.

"Mr. MURDOCK. Yes; and Congress largely follows it.

"Mr. SHERLEY. No; I do not think so; but it follows it somewhat, because its consideration of the estimates is just as faulty in method as the consideration by the President is faulty in the first instance. We, just as much as he, have failed to consider totals.

"Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

"Mr. SHERLEY. Certainly.

"Mr. AUSTIN. When the budget committee makes its report to the House will the House have any right to increase the amount carried in the budget?

"Mr. SHERLEY. Unquestionably; and that is the debate that ought to take place on the floor at the beginning of Congress, as to whether the party charged with responsibility has made a sufficient allowance for agriculture, a sufficient allowance for the Navy and the Army, or for pensions or for any other subject of appropriation.

"Mr. AUSTIN. Suppose the budget committee should decide in favor of an expenditure of \$25,000,000 for public buildings and grounds, who would determine the items to make up that \$25,000,000?

"Mr. SHERLEY. The Committee on Public Buildings and Grounds.

"Mr. OLMSTED. Mr. Speaker, if a question as to what amount of money should be expended for agriculture or for the Navy, or for the Army were to be debated at the beginning of Congress, how would you determine how much is required, unless you first have hearings such as the Committee on Appropriations or the Committee on Agriculture has, where the heads of the departments appear?

"Mr. SHERLEY. I do not think that you could have the debate that is properly had in the consideration of the details of a bill, but I think that you could have a pretty general debate as to how well you are following out a policy touching any one question. Let us take the Navy, for instance. I use that because that is in the minds of us all. Suppose the administration determines as a governmental policy that the Navy should

be increased each year by the addition of two battleships, and we called that a naval program.

"The majority in control of the House brings in a proposal carrying so many millions of dollars for the Navy. Some gentlemen will ask those in charge of the bill if that contemplates the expenditure for one battleship or two battleships. The reply is made that the total is based on an expenditure for one battleship, and the question is asked why, and he is answered, then, because it is found that we have to expend so much for the Army and so much for agriculture and so much for the judiciary and so much for the ordinary upkeep, and so forth, that the probable revenues that the Government will have amount to so many millions, and that if we give to the Navy enough money to build two battleships we will have to cut some of these other items or increase taxation or have a deficit. That raises the question, then, not simply as to the desirability of two battleships, but as to the desirability of two battleships as against an Army of a certain size, as against certain expenditures for agriculture, and so forth.

"In other words, it brings a discussion of comparative merit rather than a discussion of particular items segregated from everything else.

"Mr. AUSTIN. Would it not reduce also the time consumed in this House in the consideration of appropriation bills?

"Mr. SHERLEY. I think it would; and that brings to mind another thought. I believe we have to get away from the plan that I have advocated and that a great many others have advocated heretofore of detailed specifications and limitation upon every appropriation. If the gentleman heard the first of my speech, he will recall that I said in substance that we treat every executive officer as if he were a suspicious character, and he treats us as if we were a lot of numskulls who knew nothing about the needs of the service, and out of that mutual suspicion comes half the trouble. Aside from the fundamental reason of absence of responsibility to us, one reason we have had to treat him as a suspicious character is because the form of making estimates and the form of reports of work done did not give us information as to whether it was well done or not, and so, for fear it might not be well done, we have taken away discretion and tied his hands, whereas the real system ought to be to give to an administrative officer some discretion and then require accountability.

"I do not wish to further delay the House, but I want to make this suggestion while it is in my mind. I do not suggest this plan as the ultima thule of government, and I do not suggest it as the best that can be had, but I submit to this House that we do need a change, as the present condition is intolerable [applause], and I ask my critics to suggest something better if they are not pleased with this, and I shall be perfectly willing to modify it; but the time has come for action on the part of Congress. Let us look to some system better than the antiquated method we now have.

"Mr. AUSTIN. I desire to ask the gentleman if the Committee on Appropriations have thoroughly discussed this plan and approved of it?

"Mr. SHERLEY. No; there are nearly as many opinions in the Committee on Appropriations as there are members of that committee. The other one most frequently urged and which is held by the chairman of the committee, Mr. Fitzgerald, and by the gentleman from Illinois [Mr. CANNON] is to return to the old condition where the Appropriations Committee had exclusive jurisdiction of all supply bills.

"I have already referred several times to that proposal and its fatal defect. To my mind, no plan is effective that does not provide for the consideration of the total sum to be appropriated prior to a consideration of individual supply bills. This is true, even though one committee have exclusive jurisdiction of supply bills.

"Now, if the advocates of the Appropriations Committee propose a submission by it to the House of a budget, then every argument they advance against my plan applies equally to theirs with the added difficulty of taking from other Members powers they now have and giving to the already overburdened members of the Appropriations Committee such additional powers.

"I do not for a moment believe that the members of these other committees will ever consent to give up their power over the details of these supply bills, but I do believe that without unduly disturbing existing conditions a budget committee as outlined can be formed.

"I am very much obliged to the House for its patience." [Loud applause.]

Under the leave granted me to extend my remarks I also desire to reprint for the benefit of the House an extract from the "Ninth Report of the Select Committee on National Expenditure," of the House of Commons, which is as follows:

The select committee on national expenditure have made progress in the matters to them referred, so far as relates to the procedure of the house in relation to supply and appropriation, and have agreed to the following ninth report:

FINANCIAL PROCEDURE OF THE HOUSE OF COMMONS.

1. Our terms of reference include a direction "to make recommendations in regard to the procedure of this house in relation to supply and appropriation, so as to secure more effective control by Parliament over public expenditure." We intrusted to a subcommittee appointed for the purpose the duty of ascertaining the opinions of those best qualified to speak upon this subject. The subcommittee decided to proceed by way of written question and answer. They framed a questionnaire, which was sent to Mr. Speaker, the chairman of ways and means and the deputy chairman, to the chancellor of the exchequer and the ex-chancellors, to the financial secretary to the treasury and the ex-financial secretaries, to certain other members of the house representative of parties, to the comptroller and auditor general, to certain government officials, and to a small number of others whose views it was thought desirable to ascertain. We present in the appendix to this report the questions and the replies, together with a synopsis.

Those questions and replies related to the normal conditions of times of peace, and this report relates to them also. There is nothing in existing circumstances, however, which would render our recommendations inapplicable. Their adoption is, in our judgment, at least as necessary during the continuance of war expenditure as it will be on the return of peace.

2. The replies show, with few exceptions, a consensus of opinion that the present system of parliamentary control over expenditure is inadequate. In that view we concur. Indeed, our terms of reference themselves, inviting proposals to render control more effective, indicate that the house is not satisfied with the existing procedure.

3. The committee of the whole house on supply has the name but has none of the methods of a committee. It was established in the days of recurring conflict between Parliament and the Crown as a device to secure freedom of discussion on matters of finance. The debates in the house itself were recorded in the journal, which was sometimes sent for and examined by the King; and they were conducted in the presence of the speaker, who in those days was often the nominee and regarded as the representative of the Sovereign. By going into committee under the chairmanship of a member freely selected the House of Commons secured a greater degree of privacy and independence. But a so-called committee of 670 members can not effectively consider the details of finance. The time at its disposal is closely restricted. It can not examine witnesses. It has no information before it but the bulky volumes of the estimates themselves, the answers of a minister to questions addressed to him in debate, and such facts as some private member may happen to be in a position to impart. A body so large, so limited in its time, so ill-equipped for inquiry, would be a very imperfect instrument for the control of expenditure, even if the discussions in committee of supply were devoted entirely to that end. But those discussions afford the chief, sometimes the only, opportunity in the course of the year for the debate of grievances and of many questions of policy. In the competition for time those matters of greater interest and often of greater importance usually take precedence, and questions of finance are crowded out. And even if all these obstacles are overcome, and some rare occasion arises on which the House of Commons discovers and debates a case where a reduction in an estimate appears desirable, and would be disposed to insist upon its view, the present practice, which regards almost every vote of the house as a vote, not only on the merits of the question but for or against the Government of the day, renders independence of action impossible. Under these conditions it is not surprising that there has not been a single instance in the last 25 years when the House of Commons by its own direct action has reduced on financial grounds any estimate submitted to it.

4. The presentation of estimates to Parliament serves, no doubt, a useful purpose. It secures publicity for the sums which they include and fixes responsibility for their expenditure. It has an indirect influence also on ministers and departments, since there is always the possibility that any item may be selected and challenged. The debates in committee of supply are indispensable for the discussion of policy and administration. But so far as the direct effective control of proposals for expenditure is concerned, it would be true to say that if the estimates were never presented and the committee of supply never set up, there would be no noticeable difference. Indeed, a large part of the estimates are formally passed year by year under the closure at the end of each session, without even the appearance of discussion; while every item in every estimate, whether closed or not, emerges from the parliamentary process in precisely the same shape as it entered it. Yet it can not be contended that there is never an occasion in any year or under any head on which proposals for expenditure could with advantage be reviewed and amended.

5. The estimates undergo in normal times a close examination by the treasury before they are presented. But the treasury is itself part of the executive. When any departmental minister has secured the personal assent of the chancellor of the exchequer to any proposal which he desires to insert or to retain in his estimates, the treasury is necessarily silent. Treasury control, invaluable as it is up to a point, is not a substitute for parliamentary control.

6. The comptroller and auditor general, on the other hand, is an officer of the House of Commons itself. But his scrutiny of expenditure, though exhaustive and independent, is a scrutiny of accounts and not of estimates, of expenditure which has already been incurred, and not of expenditure which is contemplated. He inquires whether the sums included in the accounts have actually been spent and whether the spending was regular. It is not within his province to consider whether it was desirable or necessary, although it is regarded as his duty by the public accounts committee to draw attention to expenditure which is wasteful or extravagant.

It is recognized on all hands that the work of the comptroller and auditor general and of the public accounts committee, which examines and reports upon the results of his inquiries, is highly efficient and useful, but no one would suggest that it covers, or could be made to cover, the whole field.

7. It is sometimes urged that the only safeguard against extravagance likely to be successful is to be found in the ministers and officials of the spending department themselves; that Parliament should be content to rely upon them; that any attempt at direct control would be ineffective, because it could not be sufficiently painstaking and minute, and harmful, because ministers would feel that the final responsibility

had been transferred from their shoulders, and that they were no longer expected to exercise a meticulous care.

We can not subscribe to that doctrine. It would convert the responsibility of ministers into irresponsibility. It contemplates an executive which would be autocratic so far as expenditure is concerned, subject only to audit in order to insure honesty, and to the extreme measure of dismissal in case of gross abuse. If, however, it is answered that it is not intended to push the doctrine so far, and that the present practice provides the right admixture of ministerial responsibility and parliamentary control, we would express the conviction that the House of Commons ought not to accept a system which recognizes its authority, so long as it is never exercised, and concedes the appearance of control on the condition that it is not made a reality.

Nor can we agree that ministers and their officials—on whom, in the first instance, it is true, dependence must be placed for the avoidance of waste—would be likely to become less careful if they knew that their estimates would undergo in Parliament an effective instead of an ineffective review.

To regard the executive, whether it be the Sovereign or whether it be a ministry dependent upon Parliament, as the sole authority to limit the sums which ought to be provided for each branch of the public service is contrary, in our judgment, to the principles on which the constitution is based. We consider that the House of Commons, as the representative of the taxpayer, should reassert, fully and effectively, its right of restricting the amounts to be allotted for each head of the national expenditure, and we recommend the adoption of the measures to that end, which we now proceed to detail.

STANDING COMMITTEES ON ESTIMATES.

8. The great majority of the replies to the questions which were circulated favor the principle that the estimates should be subjected to examination by a select committee. Among those who express that view are all the officers of the house who were consulted—Mr. Speaker, the chairman of ways and means, the deputy chairman, and the clerk of the house. We are unanimously of the same opinion.

We recommend that at the beginning of each session there should be appointed, by the customary procedure, two standing committees on estimates, each consisting of 15 members. After some experience of the working of these committees, it may be found desirable to add a third.

We have considered the alternative of a single committee with a larger membership, which should divide itself into a number of subcommittees, each dealing with one department or group of departments, but we have arrived at the conclusion that for the purpose in view the balance of advantage lies against this method.

We have considered also whether the committees which will deal with estimates should also deal with accounts, the public accounts committee being amalgamated with them. We are of opinion that the two matters should be kept separate, and that the public accounts committee should continue with the same composition and functions as hitherto. It would be advisable, however, for some of its members to be appointed to serve on the estimates committees also, in order that the bodies should be in close touch with each other's work.

9. The annual estimates should, without special motion, be subject to the examination of the estimates committees A and B, the allocation of classes of votes to one or the other being made by the chairman of ways and means.

10. Any supplementary estimates for the current year introduced at the beginning of the session could not as a rule be examined by the estimates committees on account of the shortness of the time usually available before the 31st of March, by which date they must be passed through all their stages. But in special cases, and if time allowed, the house might desire them to be so referred. Supplementary estimates introduced in the latter part of the session should follow the normal course and be referred to the committee. We desire incidentally to emphasize the importance of limiting the use of supplementary estimates to a minimum.

11. It would be the duty of the estimates committees to consider such votes, and in such order as they might think fit, and to present reports upon them from time to time to the house. We are of opinion that special attention should be given to any items which had first been voted in the previous year as supplementary estimates without having been reported upon by one of the committees. The reports should include an account of the action taken on any recommendations in the previous year's report.

12. It should not be within the competence of the committees to make any recommendations inconsistent with the policy implied in the estimates. Policy is a matter for the Government and for the house itself and not for standing committees on estimates. To transgress this rule would be to invite controversy within the committees and to endanger the success of their working.

Although "policy" can not be defined in precise terms, the experience of the estimates committee set up in 1912 and of our own committee—from both of whose references the consideration of matters of policy was specifically excluded—shows that in practice the line is not difficult to draw.

13. The House of Commons itself has foregone the power, and does not now seek the power, to increase the estimates submitted to it on behalf of the Crown. Its committees can not possess a larger authority. The duty of the estimates committees would be to suggest desirable economies, and they should not be authorized to propose increased expenditure. There may no doubt be cases, however, in which it might be proper to indicate that a larger capital expenditure, for example, upon the plant of some Government establishment, would result in an economy through a more than equivalent saving in working expenses.

14. The estimates committee of 1912, 1913, and 1914 was appointed in pursuance of a recommendation of the select committee on national expenditure of 1902-3. It rendered useful service, but its usefulness was impaired by three causes.

First, the task imposed upon it was too large for a single body to perform. It was able to consider each year only a fraction of the estimates; its examination of the votes of any particular department was rather an exceptional incident than a normal part of the financial procedure. The departments knew that once their estimates had been considered it would probably be from 7 to 10 years before they were considered again. Our proposals for two committees—and, if experience shows it to be desirable, for the addition of a third—should go far to remove this drawback, particularly if each of the committees were expected to give as much time as might be necessary to enable it to cover each session a large part of the whole field.

Secondly, the previous committee, in common with the house itself, was handicapped by the form in which the estimates have been framed. As to this we have proposed large changes in a separate report, to which we shall refer later.

The third drawback was not the least serious. The estimates committee of those years had no professional assistance at its command. Its inquiries, necessarily, were to a great extent haphazard. The annual estimates cover the whole sphere of national government; they enter into minute detail; to comprehend them fully is a science in itself. The public accounts committee is aided in its investigations by the reports of the comptroller and auditor general, who in turn is supplied with information by a large staff in close touch with every branch of administration. The previous estimates committee had no such technical advice. We regard it as essential that this deficiency should be made good.

We have considered whether the duty of assisting the estimates committees might not be added to those already performed by the comptroller and auditor general and his staff. This course would have the advantage of making use of existing machinery. But we are clearly of opinion that it is inadvisable, for the reason, among others, that it would introduce undesirable complications into the relations between the comptroller and auditor general and his department on the one hand and the treasury and the spending departments on the other.

We have considered also whether the duty might not be allotted to the treasury itself. To this there is the objection that every estimate before being presented to Parliament has already been submitted to the treasury and passed. Once its sanction has been given the function of the treasury must rather be to meet and answer criticism than to stimulate and direct it. It would be desirable, no doubt, that officers of that department should be ready to attend the meetings of the committees whenever necessary, in order to furnish them with information; but they would be placed in an impossible position if they were expected to suggest the points, which might usefully be considered with a view to amendments, in estimates which had already been approved by the department of which they were members and by the ministers under whom they served.

We therefore recommend that the committees should be assisted by an officer of the house, to be appointed for the purpose, with the title of examiner of estimates. His duty would be to collect from his own study of the estimates, from information obtained officially or semi-officially, from communications received from members of the house or from the public, facts which would indicate to the estimates committees useful lines of inquiry. He would stand in much the same relation to them as the comptroller and auditor general stands to the public accounts committee. His salary would be borne upon the vote for the House of Commons offices. It would not be necessary to attach to him any large specialized staff, but experience might show that it was desirable to furnish him with one or more technical assistants, and the clerical establishment of the house would render such service as might be required.

15. There remains the question of the opportunity to be provided for the consideration by the house of the recommendations of the estimates committees.

It has not been proposed in any quarter, and we do not suggest, that the decisions of the committees should have any binding effect. The House of Commons would not delegate to them any of its powers in matters of finance; their province would be limited to inquiry and report. But no doubt in many cases the departments concerned would accept and act upon the view expressed by the committees, just as the recommendations of the public accounts committee and of our own committee with respect to current expenditure are frequently welcomed by the Government and carried into effect, without it being necessary to occupy the time of the house with their discussion. It is essential, however, if the work of the committees is to be effective, if their influence is to be maintained, and if they are to attract the service of able and active members of the house, that their recommendations, when not agreed to, should be given the publicity, the full consideration, and the opportunity of eliciting a wider support, which can only be obtained by debate in the house itself.

The most suitable occasion for such a purpose is obviously the day when the estimates of the department concerned are taken in committee of supply. Several considerations, however, have to be borne in mind in this connection. Supply days are utilized also for debates on policy and on administration, and opportunities for such debates are indispensable. The department whose estimates are to be taken on a particular supply day is selected in accordance with the desires of the house, so as to enable the matters to be brought forward on which discussion is thought to be specially needed at that time. It is a convenient practice for the consideration of supply to be distributed over the session, and for one day in the week to be devoted as a rule to that purpose. Any arrangements that are made to secure the due consideration of the recommendations of the estimates committees should involve as little disturbance as possible of those arrangements.

16. We propose—

(1) That the estimates should be presented and the estimates committees set up at the earliest practicable date after the beginning of the session.

(2) That the committees should indicate to the chairman of ways and means at an early stage in their proceedings the classes or votes, if any, on which they did not propose to report that session, unless unforeseen considerations should arise which would lead them to do so.

(3) That the committees should consider the estimates of the several departments in such order, so far as possible, as would be most likely to meet the convenience of the house, and should present their report on each as soon as their inquiries with regard to it were completed.

(4) That the selection of the votes to be taken in the house on any particular supply day should be, as a rule, from among those on which the estimates committees had already presented reports or had intimated that they would be unlikely to report that year. This practice should not, however, preclude other votes being selected if there were a strong desire to debate matters of public importance relating to a department on whose vote a report from the estimates committees was expected but had not yet been received.

(5) That in the latter case either—

(a) The vote itself should not be finally passed, but the discussion of it should be deferred. Another day should be given if a report subsequently presented by one of the estimates committees contained recommendations needing discussion. If there were no such report, the vote would be passed under the closure at the end of the session; or

(b) A supplementary estimate for a token vote of £100 should be proposed at a later date in order to afford an opportunity for further debate if a report from an estimates committee made it appear desirable.

It should be the recognized practice of the house that the estimates committees should have the right to require that special opportunity should be afforded for the consideration of any of their reports which had not been discussed in ordinary course, subject to the limit that not more than two days should be asked for in any session for this purpose.

(3) That where recommendations from an estimates committee were before the house in time for the supply day on which the vote was taken to which those recommendations referred, the chairman of ways and means should endeavor so to arrange the course of the debate as to give an opportunity for their discussion. He would bear in mind the relative importance of the financial points raised by the committee and of any other matters which members of the house might desire to discuss on the same day. If it should be found impracticable to afford such an opportunity, the procedure suggested in the previous paragraph to meet the case where the votes were taken before the estimates committee's report was ready should apply.

(7) That it should be the duty of the chairman of an estimates committee, or of some other member nominated for the purpose, to be present in the house when the occasion was offered for the discussion of its recommendations, and to speak in their support, and the duty of the minister in charge of the vote either to accept the recommendations or to give reasons for not doing so.

FREEDOM OF VOTING IN COMMITTEE OF SUPPLY.

17. We are convinced that these measures, while they would go far to secure the object in view, would not be adequate for their purpose without one further change of fundamental importance in the practice of the house. The spirit in which the proposed committees will carry on their work, the attitude of ministers toward their recommendations, the confidence of the people at large in their activities, will all depend upon the degree of support which they are enabled to receive from the House of Commons itself. But the house will not be free to give them support so long as the present convention continues, which introduces into every division on a proposal of the government of the day, however unimportant, however remote from broad considerations of national policy, the question of confidence or want of confidence in that government. It is plain that if, on a division on some minor economy in a departmental estimate, a majority adverse to the Government is to be regarded as a censure, even as a reason for its resignation, or for subjecting the country to a general election, the smaller issue must be completely eclipsed by the larger, and that a decision on the merits of the particular question must become impossible. Only when the House of Commons is free, not merely in theory and under the forms of the constitution but in fact and in custom, to vote, when the occasion requires, upon the strict merits of proposed economies, uncomplicated by any wider issue, will its control over the national expenditure become a reality.

The estimates committees will be precluded from dealing with policy. That limitation should exclude from their recommendations any proposals which, if carried against the Government, should properly entail either their resignation or a dissolution of Parliament.

We recommend that the House of Commons, if it approves and decides to act upon our proposals for the establishment of estimates committees, should also resolve that any motion carried in committee of supply in pursuance of the recommendations of those committees should not be taken to imply that the government of the day no longer possessed the confidence of the house.

FORM OF THE ESTIMATES AND ACCOUNTS.

18. The form in which the estimates have hitherto been framed is not such as to make them serviceable for the purposes of parliamentary review. We have made inquiry into this branch of the matters referred to us through a subcommittee, on which several of our members served who were also members of the public accounts committee, and to which there were co-opted, under the permission given by our terms of reference, a civil servant of long experience and three gentlemen with expert knowledge of commercial systems of accounting. As the outcome of their exhaustive inquiries we have expressed the opinion in our seventh report of this session that "estimates and accounts prepared on the present basis are of little value for purposes of control, either by departments, the treasury, or Parliament," and we have recommended that they should be remodeled in a form of greater significance and utility.

We regard the adoption of the recommendations in our seventh report as an essential part of our proposals for securing a proper control over expenditure by Parliament.

19. Their adoption will require that in the case of the estimates for the navy, army, and air force a vote on account should be taken at the beginning of the session, as is already the practice in the case of civil-service estimates. But in any event such a vote on account will be necessary to enable the procedure proposed in paragraph 16 to be fully applicable to the estimates for those services.

20. We are of opinion that when an estimate includes an item for the initiation of a new scheme which is likely to throw an increasing charge upon the exchequer in subsequent years a statement should, as a general rule, be added, showing the amount of that increase, as is already the practice with regard to estimates for building services, and as has occasionally been done by a memorandum in some other cases. Reasons of state may sometimes, however, render this course inadvisable, in which event the information should be subsequently furnished to the estimates committee concerned.

21. A useful return was presented to Parliament in 1909, on the motion of Mr. Harold Cox, under the title of "National Income and Outgo." It gave a comprehensive view of both sides of the national account, and included financial information not readily obtainable elsewhere. The new form of the national accounts recommended in our seventh report will cover some of the ground included in that return. We are of opinion that the public accounts committee, when experience has been gained of the new accounts, should be invited to consider whether it might not be desirable to publish annually a return similar to that of 1909.

MONEY RESOLUTIONS FOR BILLS.

22. We have given careful consideration to the standing orders of the house, which require that all bills involving expenditure should be preceded or accompanied by a resolution, to be passed in committee of the whole house and in the house itself on report, authorizing the expenditure. We are of opinion that the rule serves a useful purpose, but that its utility could be further increased. We recommend that the procedure with respect to money resolutions for Government bills involving expenditure should be retained and should be extended as follows:

(1) The terms of the money resolution should be placed on the notice paper of the house. In the case of bills not originating in committee, this should be done before the second reading of the bill.

(2) They should, wherever possible, either comprise a statement of the probable expenditure, whether capital or annual, or be accompanied by a white paper furnishing such a statement.

(3) If cases should occur where the conditions did not allow a forecast to be made, the fact should be stated in a white paper, with a full explanation of the reasons.

(4) Any statement furnished as proposed in the foregoing paragraphs should be referred to one of the estimates committees for examination and report, unless the house, on account of urgency or of the smallness of the sum involved, should by resolution dispense with that procedure in the particular case.

(5) It should be the duty of the committee to elucidate the facts and to examine the basis of any estimate that may have been formed or the reasons advanced for not forming one. The purpose in view would not be the insertion of a definite figure in a bill in all cases, for that would often be impracticable or injurious to good administration. It should be remembered also that any expenditure incurred must always, unless charged upon the consolidated fund, come before the house each year in one of the estimates. The purpose would be to insure that Parliament should not pass legislation involving financial commitments without a clear idea, based on the inquiries of one of its own committees, of the nature and extent of those commitments, so far as they can be ascertained.

(6) The recommendations in this report with respect to the exclusion of questions of policy and to the freedom of voting in the house on the proposals of the estimates committees should apply in the case of money resolutions as in the case of estimates.

In the case of private members' bills involving expenditure, the procedure proposed in this paragraph should apply if and when a money resolution to authorize the expenditure is moved on behalf of the Crown.

OTHER PROPOSALS.

23. We have considered a number of suggestions for eliminating or curtailing various stages of the procedure by which the house deals with financial business, but we do not recommend any of them for adoption.

24. We have no alteration to suggest in the number of days allotted each session to supply.

25. The estimates for which one minister is responsible are frequently distributed between several votes. It would be advisable for the existing classification to be reviewed in the manner proposed by the joint secretaries of the treasury in their reply to our questions. (See appendix, reply No. 20, question 8.)

26. It is the present practice for the comptroller and auditor general to report to the public accounts committee only when the annual accounts of a department are finally closed. His staff conduct a continuous audit, but if any matters needing attention are brought to light in the course of the year he has no authority to report upon them. We are of opinion that it would add greatly to the value of the audit and conduce to good administration if this restriction were removed, and if the attention of the public accounts committee could be called at once to any apparent impropriety before the expenditure is completed. An amendment to the exchequer and audit departments act, 1866, may be needed for the purpose.

27. We consider that the ministry as a whole should be responsible both for making and for declining to make proposals to Parliament for increased expenditure. There have been departures in recent years from the practice by which an individual minister was not considered at liberty to dissociate himself publicly from his colleagues, and, while himself retaining office, to throw upon the treasury the onus of refusing a particular grant affecting his own department. We deprecate these departures, which, if they became the rule, would make the position of a chancellor of the exchequer almost untenable. We recommend that the former practice should be rigidly observed.

28. We believe that the Treasury can not fully exercise its powers of control if it is itself a spending department, and we recommend that the direct responsibility for old-age pensions, which now rests with the board of customs and excise, a subdepartment of the treasury, should be transferred as soon as may be to another department.

CONCLUSIONS AND RECOMMENDATIONS.

29. (1) We are of opinion that the existing procedure of the House of Commons is inadequate to secure proper parliamentary control over the national expenditure.

(2) We recommend that there should be appointed each session two standing committees on estimates, each consisting of 15 members, and that a third should be added if experience showed that this was desirable.

(3) It should be the duty of the committees to consider the annual estimates and such supplementary estimates as the conditions allowed, and to report to the house any economies which they regarded as desirable and which did not raise questions of policy.

(4) For the assistance of the committees there should be appointed an officer of the house, with the title of examiner of estimates.

(5) Opportunity should be provided for the consideration by the house of the recommendations of the committees in the manner proposed in paragraph 16.

(6) It should be established as the practice of Parliament that members should vote freely upon motions for reductions made in pursuance of recommendations of the estimates committees, and that the carrying of such a motion against the government of the day should not be taken to imply that it no longer possessed the confidence of the house.

(7) The form in which the estimates are framed should be remodeled in accordance with the recommendations in our seventh report of the present session.

(8) There should be a vote on account for navy, army, and air services at the beginning of each session.

(9) Where an estimate involves a commitment to a larger expenditure in subsequent years, the fact should, subject to the qualification mentioned in paragraph 20, be stated in the estimate.

(10) The terms of money resolutions for bills involving expenditure should be placed upon the notice paper of the house. They should embody or be accompanied by a white paper furnishing a statement of the probable amount. If the conditions did not allow such a statement to be framed, a white paper should be presented giving the reasons.

(11) Any statement furnished in connection with a money resolution should be referred to one of the estimates committees for examination and report, unless the House should dispense with that procedure in any particular case.

(12) The classification of the supply votes should be reviewed.

(13) The comptroller and auditor general should be authorized to report to the public accounts committee on matters needing their attention as and when they are brought to light in the course of his continuous audit.

(14) The committee of public accounts should be invited to consider whether a return on the lines of the national income and outgo return of 1909 should be presented annually to Parliament.

(15) A minister should not be at liberty to dissociate himself publicly from his colleagues in matters of expenditure and to throw upon the treasury alone the onus of refusing a particular grant affecting his department.

(16) The treasury should cease to be itself a spending department.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. SHERLEY:

Page 1, line 3, after the word "Senators," insert the following: "three of whom shall be members of the majority party and three of whom shall be members of the minority party."

Page 1, line 5, after the word "Representatives," insert the following: "three of whom shall be members of the majority party and three of whom shall be members of the minority party."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know whether it is altogether desirable to have that amendment to the resolution. It might be well to leave the appointments wholly with the Vice President and the Speaker. Let the responsibility fall upon them. At first blush I was inclined to oppose this resolution and to make a point of order against it, because I believed that would be in order; but after listening to the gentleman from Kentucky I am inclined to think it might be a wise thing to pass the resolution as a step toward retrenchment. Anyone who sits for any length of time on the Ways and Means Committee will realize the very great difficulty of ascertaining facts with regard to our expenditures. I presume the Committee on Appropriations has even more difficulty, but the committee charged with the duty of raising revenue undoubtedly has very little in the way of substantial financial facts to go upon. They call in the Treasury officials and ask them what the state of the finances is, and they are sometimes troubled to give an answer. Ask what our indebtedness is and there is difficulty in ascertaining just exactly what it is at any given time. The Secretary of the Treasury, apparently, does not have sufficient jurisdiction as to other departments to check up the expenditures and requirements of the departments. The War Department has been given large lump-sum appropriations and spends freely, spends in contracts that carry over into the future. The Navy Department does the same thing. So, if you want to check up your accounts, if you want to take account of stock, it is difficult to do it. Great waste undoubtedly results. I believe this Nation to-day is very close to the rocks, financially.

If the \$7,000,000,000 loan bill that we passed in this House a few days ago does not pass another body very soon, it may necessarily hasten an extra session in order to raise the revenue to meet the actual obligations of the Government. That is one question involved in the passage of this resolution.

I am not so sure, however, that this whole question has not been investigated heretofore. But we have just gone through a great war; we have incurred the vastest expenditures any nation ever incurred, and our obligations are such as to stagger us when we attempt to analyze them. If this resolution will have the effect of an investigation or an inquiry by Members of Congress that will enable us to systematize the method of collecting the revenue and appropriating it, it might do some good.

Mr. KING. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Pardon me for just one minute. This administration is spending more money than any other; it is spending it more recklessly, more extravagantly than any other in the history of the world; therefore there may be reason at this particular time to have a commission appointed in order that we may enact some reform. I now yield to the gentleman.

Mr. KING. Why is it necessary to have this lame-duck proposition involved in this amendment offered by the gentleman from Kentucky?

Mr. MOORE of Pennsylvania. I am not so sure, after reading the resolution and considering these vast problems I have tried to describe, that this is necessarily a lame-duck proposition. It may be a very good thing. The departments have made tremendous expenditures. We should stop some of them. All of us are complaining of our lack of knowledge of the manner in which the money has been spent. All of us know that in the matter of aviation, for instance, we spent \$640,000,000 and did not get a single combat plane in France. We know that in the Army and in the Navy and elsewhere enormous sums have been spent and enormous sums have been held in reserve. We know we are passing appropriations constantly for sums aggregating as high as a billion and more than a billion of dollars. How are we checking them up? What is to be the salvage? How do we know when the Treasury officials themselves are not able to tell us? Therefore may it not be wise to establish a commission made up of men who are not in the departments, who are separate from the administration, separate from the Executive, who can look into this question and bring

us back to a system by which we can make appropriations intelligently and with due regard to our income?

Mr. KING. On that proposition I agree with the gentleman absolutely, but I do not understand this proposition of keeping Members of Congress here on the salary roll after they have been defeated by their constituents.

Mr. MOORE of Pennsylvania. Well, I do not think that is necessarily the fact. The resolution provides for a commission which shall be composed of six Senators to be appointed by the Vice President. They are not necessarily going out, and it provides for a like number of Members to be appointed by the Speaker, and they are sitting Members. There is an appropriation to pay the expenses of the commission, but I question whether it is a "lame-duck" proposition.

Mr. SHERLEY. If the gentleman will permit, I drew this resolution, and I drew it with the idea not in the slightest degree to take care of anybody. I stated openly a few moments ago, and I desire to repeat it, that there is no commission that this Congress can create or has created upon which I would accept any sort of position. Whatever work I may be able to give in helping to bring out a good budget system for America will be given gratuitously. I am not hunting a legislative job nor providing for such through legislation.

Mr. KING. I wish to say that I had no reference whatever to the gentleman from Kentucky. If he were going to be one of the commission, I would be very glad to support that particular feature.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I take advantage of those two minutes' extension of time to state my confident belief that the statement of the gentleman from Kentucky is accurate.

I have watched his course in this House for 12 years, the length of time I have been here, and do not believe he has prepared this amendment with the view of taking care of himself. On the other hand, I think it fair to say of the gentleman from Kentucky that he has been a consistent advocate of an improved fiscal policy for the Nation. He has labored for this proposition on the floor; has made speeches indicating that there was extravagance, not necessarily accusing anybody, but that because of the system that prevailed, the duplicated committee system of making appropriations, there has been a loss to the Government that should not exist. His idea, from my point of view, has been honorable and statesmanlike. He has sought to prevent the duplication of appropriations and the waste of them, so far as I have observed.

Mr. WALSH. Mr. Chairman, I desire to offer an amendment.

Mr. MONDELL. Mr. Chairman—

Mr. MANN. Mr. Chairman—

Mr. WALSH. I will withhold my motion. The gentleman from Illinois desires recognition.

Mr. MANN. Mr. Chairman, I am very much in favor of the amendment offered by the gentleman from Kentucky [Mr. SHERLEY]. I have given a good deal of consideration myself during my service in the Congress to the subject of appropriations and the methods of making estimates for appropriations, and I have heard a great many men at different times on the floor of the House propose remedies which seemed to me so full of holes that they would be worse than a sieve to hold water.

I am glad the gentleman from Kentucky worked out this proposition. It is a peculiar thing, he having given the study that he has to the subject, and I having given the study I have to the subject, that each has prepared a proposition along practically the same lines. And when I prepared my proposition originally it did not contain the provision which would permit a Member of this Congress not a Member of the next Congress to be appointed on the commission and retain his place. I changed that and provided that the vacancy created by the expiration of the term in Congress of any Member should not create a vacancy on the commission, and I think in that respect the gentleman from Kentucky, in drawing his amendment, follows the language of my resolution without having in view on his part what was in view in my mind when I put that provision in the resolution. It was not in the proposition which I drew originally. I hope the gentleman from Kentucky will not feel obliged to make any statement just at present about what I am going to say. I put that proposition in my resolution because I thought the gentleman from Kentucky ought

to be on the commission [applause], and I am inclined to think that the gentleman from Wisconsin [Mr. STAFFORD] ought to be on the commission [applause], men who have given great study to a subject of this kind and who would continue the work and would not be hampered by the work which Members of the next Congress would have to perform in their official capacity here on the floor and in their offices. I think a majority of the members of the commission ought to be Members of the next Congress, in a way supervisory. There ought to be somebody on this commission who is familiar with the legislative methods and procedure, to give active attention to the work.

We appointed a good many years ago, as it seems to me—it was quite awhile ago anyhow, and I do not remember what it was called—a commission to investigate the form of appropriations and estimates, and so forth, and they submitted a report. I read their report and talked with various members of that commission, and there was not one of them who had any knowledge or perception whatever of the legislative practice and procedure in Congress.

Such a commission could not make a report that would be of any value, and their report was of no value. I am inclined myself—and I would like to say that much before I take my seat—to think there will never be a wholly satisfactory method provided, though there may be many improvements adopted, until members of the President's Cabinet are selected either from the House of Representatives or the Senate [applause], and thereby become somewhat of a responsible Government. It can not be and it never will be that the executives shall make up a so-called budget and submit it to Congress, and that all Congress can do is to accept it or reject it. We are now under subservency to the Government, to the Executive, much more than we ought to be. But if all we could do would be to write yes or no upon a proposition submitted by the Executive for the expenditure of money we might as well abolish Congress. [Applause.]

Now, in those countries where they have responsible governments the government makes those suggestions. They prepare a budget; they submit the proposed appropriations to their respective parliaments, and the parliaments must make the appropriations proposed by the government or the government is turned out. But the government can be turned out because the government consists of members of the parliament; and if the parliament does not sustain their position, others come in their place. But that can not be under our form of government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask for five minutes, although I will not take that much of time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. Would it be agreeable to the gentleman from Illinois to permit me to ask him a question?

Mr. MANN. It is always agreeable to yield to a question which helps to elucidate a matter.

Mr. MONTAGUE. Does the gentleman think that the budget system which he is now so intelligently discussing would be promoted by giving the Cabinet members seats on the floor of the respective bodies—

Mr. MANN. I do not.

Mr. MONTAGUE. Will the gentleman permit me to continue the question? Seats on the floor of the respective bodies, with right to follow measures relating to their departments and also the corresponding right on the part of the House to interrogate them, of course, under appropriate rules of procedure?

Mr. MANN. I have a very fixed opinion on that. I do not think it would be of any advantage. [Applause.] I can be very brief; I do not want to take much time—

Mr. MONTAGUE. I did not mean to lead the gentleman into a discussion. I wanted his opinion categorically.

Mr. MANN. If the Cabinet members now were admitted to the floor of the House on an appropriation bill, this side would be inert. It would be completely dominated by the Cabinet officers.

That side of the House, the minority side of the House, would do nothing to heckle them. [Applause.] If a Cabinet officer came in here to explain a proposition now, under the existing administration, with no power or responsibility, the Republican side of the House would ask them all the questions human ingenuity could devise which they could not answer, and the Democratic side of the House would do whatever they told them to do. [Applause.] If they did not, the Cabinet officers would be discredited but not removed.

The only way to have a responsible government, with an Executive given the power to propose and dominate legislation or appropriations, is to fix it so that if a majority of the House

does not agree with them they have got to resign. Let the majority of the House have somebody who will agree with them. I do not know whether that will ever come or not, though I suspect that this thing will go on until some day the President will feel compelled to adopt the theory of a responsible form of government and select his Cabinet officers from men who have the power to make up their proposed appropriations and therefore pass them through Congress, or when defeated resign their Cabinet positions and let somebody else do it.

However, this present proposal is a proposition in the right direction. We can not afford to have the country believe that Congress is grossly extravagant and careless in its appropriations, unmindful of the public needs. There has been a propaganda—and I have just learned what effect a propaganda can have [applause]—against Congress in favor of adopting what is called the "budget system," which nobody can explain, and nobody undertakes to tell what they mean by it. But the propaganda has gone over the country until the country believes that Congress has a very loose and lamentable method of making up its appropriations. I received from my State the other day a copy of the "Budget of Illinois," proposed by the governor or his financial board, to be submitted to the legislature, now in session, for the next two years. They call it a "budget"—a popular name. It does not begin to be one-half as well prepared and considered as the estimates of appropriations submitted to Congress under existing law, although it is a great improvement over what has been done in Illinois in the past. But the country has the notion that Congress acts upon its appropriations without receiving information from the Executive, without any idea of what its revenues are to be, without any notion of what its expenditures are to be, and without any knowledge on the part of the Executive as to what he has asked for; and we have got to make a careful and scientific investigation of the subject, first, to satisfy ourselves and possibly and probably accomplish good, and, second, to satisfy the country that we are not an irresponsible body of looters. [Applause.]

Mr. MONDELL. Mr. Chairman, at one time and another there has been a great deal of talk in the country about a budget system, and a great many people imagine that we can establish under our Government a budget system similar to that of the responsible monarchical and republican governments of Europe. The probability is that that could not be accomplished without a constitutional amendment, at least without very extraordinary and elastic constitutional interpretation.

No one is proposing a change in the form of our Government that would clearly make possible budgets as they are understood in England and Italy and France, but there can be a great improvement, in my opinion, in the manner of presenting and consideration of appropriations. Those who have served on appropriating committees of the House, I think, are all of them of the opinion that there is a lack of careful and correlated consideration of estimates. The annual Book of Estimates comes in, and then from time to time supplemental estimates of all sorts and kinds, apparently frequently hurriedly prepared and ill considered, are sent to Congress.

That is the affair of the Executive. It is not very clear to me how Congress can much improve that situation. The executive branch of the Government can very greatly improve its methods. President Taft was the one President in my recollection who made an earnest and intelligent effort toward the careful, conscientious, and correlated consideration of estimates, and under his administration there was a constant tendency toward economy in the public service. But we have seen nothing of that kind since Mr. Taft's day.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. I was unable in my time to get out this point, and I want the gentleman, who is well posted, to answer, if he will: Suppose the War Department under existing methods asked for \$500,000,000 for aviation, and the Navy Department under existing circumstances asked for \$500,000,000 for aviation, and one or two others—

Mr. MONDELL. And I would say to my friend that they would be very likely to do that very thing—

Mr. MOORE of Pennsylvania. And thereby buy a vast number of machines and a vast lot of machinery under both appropriations, when one might have accomplished the purpose. Would not this commission be delegated to look into expenditures of that kind with a view to correcting the system?

Mr. MONDELL. It is not very clear to me, though I do not pretend to have as profound a knowledge of these matters as some Members who have given the matter more study, how the

Congress can greatly improve the executive methods in the preparation and submission of estimates. We can suggest, and we may be able to compel more careful consideration of estimates by improving our methods, and along with that improvement calling to the attention of the country the laxity and the carelessness of the executive departments in submitting estimates. In that way indirectly what we do in Congress will, I trust, be reflected on the executive branch of the Government.

Mr. MANN. Mr. Chairman, may I interject a remark about aviation, inasmuch as the gentleman has brought it up?

Mr. MONDELL. Yes.

Mr. MANN. Some years ago the War Department declined to make a recommendation or estimate for aviation in the Army, and they did not make it. There never had been one, and the Chief Signal Officer hoped he might get an estimate, but the Secretary of War would not send an estimate to the Congress. I offered on the floor of the House an amendment to the Army appropriation bill to make an appropriation for aviation, and through a little skillful maneuvering got it by a point of order. But we had quite a fight over it. It was agreed to.

Now, under the system that many people want adopted, it would not have been possible for Congress to have made the appropriation and started aviation in the Army if the War Department had not asked for it, and they refused to ask for it.

Mr. MONDELL. The gentleman has called attention to a situation that might be created if Congress restricted its action to initiate appropriations. Replying further to the inquiry of the gentleman from Pennsylvania, I want to emphasize the fact that, in my opinion, we can promote, if not compel, an improvement of executive committees by improvement in our own methods. Certainly no one conversant with the facts will deny that, putting it mildly, the manner of the submission of estimates by certain departments and agencies under this administration has been scandalous and apparently without regard to the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Wyoming be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Estimates have been submitted without the proper coordinated and correlated consideration by the executive authorities that there should be, this bureau and that bureau and the other bureau, each on its own hook, suggesting estimates in large sums and having its suggestions sent to Congress without very much consideration. We can remedy that situation somewhat if we correct our own methods. The gentleman from Kentucky [Mr. SHERLEY] has performed a conspicuous service in remedying that condition, assuming that gentlemen who are to be responsible in the departments act on what he has brought out, for he has developed, more than any man ever did in the House, the carelessness, to put it mildly, with which estimates are submitted to the Congress.

Now, we can improve our methods, and we ought to improve our methods, and possibly one way to do it is through a commission such as is suggested, although it could be accomplished, I think, by the regular committees of the House. If we are to have a commission, one of less numbers than is proposed would be better.

I want to say in connection with this matter that I regret that the gentleman from Kentucky [Mr. SHERLEY] has stated that under no circumstances would he serve on such a commission, for I know of no man better qualified to serve on that kind of a commission than he; and if the commission is established, I hope one of those places will be tendered to him, and that he will find he can afford to take it. If he does, of course it will be at a financial loss, because the gentleman from Kentucky can go into private practice and make a very great deal more for himself and his family than he could on any Government salary. But what we need is some one thoroughly conversant with the practice of the House, with the history of appropriations and estimates, on a commission of this sort.

Those who imagine that we are going to ape and adopt European methods will be disappointed in the reports of any commission that we appoint, but there are many things that can be done, and one of them that is right in sight and has appeared to every man who has served on appropriating committees is the establishment of what has sometimes been referred to as an independent audit. It might be brought about by the transfer of the auditing departments of the Government to the Capitol, where they would be more nearly within the reach of Congress

and more nearly responsible to Congress, so that the expenditures as they are made might be audited by people in no wise connected with the administrative departments that spend the money. That would be a great reform. I cast no reflection on the auditing agencies of the Government. Those officials have performed their duty with honesty and fidelity, and generally with intelligence and thoroughness, but as a matter of practice the Government audit should be independent of the department that spends the money, and so far as connected with any branch of the Government they should be connected with the branch of the Government that votes the funds. So much for that.

Now, in connection with such an independent audit there ought to be a body of men prepared and qualified to inform the committees of Congress relative to expenditures. Every man who has ever served on an appropriating committee has time after time been brought to realize the helplessness of such a committee, the hopeless helplessness of such a committee at times, in getting at the real essential facts with regard to expenditures.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I ask for three minutes more.

The CHAIRMAN. The gentleman asks for a further extension of three minutes. Is there objection?

There was no objection.

Mr. MONDELL. A body of men connected with an independent audit, whose business it was to keep constantly in touch with expenditures, whose duty it was to know the way in which expenditures were being made, and the purposes for which they were being made, could serve the appropriating committees of Congress, and not leave them, as they now are sometimes, the victims of the ex parte testimony which is presented by those who are seeking appropriations, and who, however honest and well meaning they may be, color all their arguments in line with their views of what ought to be done, and in extenuation of all that has been done. Everyone who has served on an appropriating committee has realized that if the chairman of such a committee could have at his elbow men who could prepare data and statements and make suggestions as to expenditures, such assistance would be of tremendous value to him and to the House. I hope we will have a commission. I hope the gentleman from Kentucky [Mr. SHERLEY] will find that he can afford to be the head of such a commission; and I want to second the suggestion of the gentleman from Illinois that a splendid member of such a commission would be the gentleman from Wisconsin [Mr. STAFFORD].

Mr. SHERLEY. Mr. Chairman, I shall detain the committee only a moment longer about this matter, and I hope that in a few moments we can vote on it and go forward with the bill. I appreciate—I would be less than human if I did not appreciate—the very generous things that Members of the House have seen fit to say about me. But the chairman of the Committee on Appropriations has many burdens and responsibilities placed upon him, and there is no consideration which could make me feel that I could accept a position upon a commission created by a bill coming from my committee. When the Speaker was good enough to say to me that he would like to appoint me on two other commissions I said to him that I would not accept appointment. I do not like to talk about myself or to have this matter take a personal turn; but I want to make it perfectly plain that while I am glad to give anything of value that I can to my Government in the way of suggestion and information, there is no condition under which I would accept a place upon this commission or employment under it.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. There is already pending two amendments to the amendment.

Mr. WALSH. Then I will offer this as a substitute.

Mr. SHERLEY. I suggest that the other amendments pending may be voted on first.

Mr. WALSH. Very well.

The CHAIRMAN. The question is on the amendments to the amendment proposed by the gentleman from Kentucky. There are two amendments, similar in their terms, and the Chair will have them submitted together.

The Clerk read as follows:

Amendments to the amendment offered by Mr. SHERLEY: Page 1, line 3, after the word "Senators," insert "three of whom shall be members of the majority party and three of whom shall be members of the minority party"; page 1, line 5, after the word "Representatives," insert "three of whom shall be members of the majority party and three of whom shall be members of the minority party."

The CHAIRMAN. The question is on the amendments.

The amendments to the amendment were agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment to the amendment offered by Mr. WALSH: Page 1, line 8, after the word "members," strike out the period, insert a colon, and add the following:
"Provided, That the Senators shall be Members of the Sixty-sixth Congress and the Representatives elect shall be Members of the Sixty-sixth Congress."

Mr. WALSH. Mr. Chairman, in the legislative bill, which has not yet been approved, there is a provision for a commission to classify and readjust salaries, and from an intimation given by the Speaker this morning that commission is to be a so-called "lame duck" affair. When the conference report was presented to the House it was read without having been printed, without an opportunity for Members to find out what was in it, and without anybody, as far as I know, except the conferees and possibly one or two others, knowing that changes had been made in the manner in which that commission should be selected.

I submit that we ought to see to it that if we are to authorize the appointment of a commission of this kind and importance it should not be created so as to provide for Members who may have been unsuccessful in the late elections.

The gentleman from Kentucky [Mr. SHERLEY] would be a most competent man to serve upon this commission, but he has indicated his preference not to accept an appointment on that commission, and his determination is entitled to highest praise. I submit that we ought to see to it, with respect to this very important commission, that it shall not go out to the country that in the closing hours of this Congress the Democratic majority and the Democratic Speaker are authorized to appoint "lame ducks," so called, to commissions without a protest on the part of somebody.

Why, the commission on classification of salaries, provided for by the legislative, executive, and judicial appropriation act, if I may be permitted to say so, as will be named by the Speaker—with no intention of casting any reflection upon the Members suggested or upon our beloved Speaker—will be composed of men who have no particular qualifications whatever to recommend them, as far as intimate knowledge of the classified service is concerned, except it would seem that they will not be Members of the Sixty-sixth Congress. I submit that upon these commissions we ought not to authorize appointments which will carry additional expenditures on account of services rendered, but we ought to have members on it who will be here in the next Congress, and who will be associated with and related to the problems they are considering.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BYRNS of Tennessee. The gentleman had something to say a few moments ago with reference to the commission provided for in the legislative appropriation bill, the commission on classification and readjustment of salaries. I want to call the gentleman's attention to the fact that when that report was presented the statement was read to the House, and if the gentleman will examine the RECORD he will find that having charge of the report I made an explicit and clear statement of the exact terms of that provision to the House. I do not think the gentleman's criticism is justified, if I understood him correctly.

Mr. WALSH. I meant no personal criticism of the gentleman from Tennessee. He presented the report, as he was at liberty to do, under the rules of the House during the last six days of the session without it being printed, and made a statement which at times could not be heard but by few owing to the confusion, which sometimes occurs when we are dealing with conference reports, and very few could follow intelligently the changes that had been made.

When we were considering the legislative bill originally in the House, I think I made a point of order, or somebody did, and it went to the Senate, where a provision was included providing that the Members of the Senate and the House on that commission should be Members of the Sixty-sixth Congress, but it had another proviso, to the effect that if the Senators or Representatives who will not be Members of the Sixty-sixth Congress were willing to serve on the commission they might be appointed to it.

Mr. BYRNS of Tennessee. The original provision as reported by the House Committee on Appropriations provided that members of that commission should be Members of the Sixty-sixth or succeeding Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I would like to see if we can not agree upon debate on this amendment and all amendments thereto.

Mr. FESS. I want five minutes.

Mr. MAGEE. I want 10 minutes.

Mr. SHERLEY. Mr. Chairman, in addition to the five minutes just given to the gentleman from Massachusetts [Mr. WALSH], I ask unanimous consent that all debate on this amendment and amendments thereto close in 20 minutes, 10 minutes to be given to the gentleman from New York [Mr. MAGEE].

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this amendment and amendments thereto close in 20 minutes, 10 minutes to be given to the gentleman from New York [Mr. MAGEE]. Is there objection?

There was no objection.

Mr. WALSH. I yield further to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. The House Committee on Appropriations recommended a provision which provided that the members of the commission should be appointed from the membership of the Sixty-sixth Congress. It went out on a point of order. The Senate adopted the provision, to which the gentleman from Massachusetts just referred, requiring that the commission should be composed of the retiring Members of the Sixty-fifth Congress, in the event any of them were willing to serve. The bill as it came from the conferees was a compromise between the position of the House committee, which was for a commission composed of Members of the next Congress, and the action of the Senate, which provided for the appointment of retiring Members, if they were willing to serve. The commission as reported is to consist of Members of the Congress to be appointed by the presiding officers of each House.

Mr. WALSH. Mr. Chairman, I appreciate the rule with respect to remarks concerning Members of the other body, but I want to compliment the other branch of the legislative department of the Government upon the fact that they have three first-class humorists in their membership, if this is a compromise. I recall, and gentlemen here will recall, that the present minority party some years ago, when it was a majority party, received the condemnation of the press and people of the country for the action it had taken as it was going out of power in making possible the appointment of members of its own party to jobs and places upon commissions carrying salaries, and, if I mistake not, that was the time the phrase "lame duck" originated or when it was revived and brought into popular usage once more. We are embarking upon an unwise policy, and I want to protest, as one member of the minority. If we are going to appoint commissions to study these important questions, they should be made up of Members of the Congress which will begin on the 4th day of March, and not of men who will go out of public office on that day, and who will because of their service upon these commissions require additional expenditure of money to pay for their services.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BYRNS of Tennessee. I do not know of any bigger job that confronts anyone than the question of reclassifying and readjusting the salaries of Government employees, and I want to say to the gentleman that it is going to require the entire time of men who are appointed upon that commission—

Mr. WALSH. Mr. Chairman, I did not yield to the gentleman to make a speech. I want to say, however, that there is one bigger job than that, and that job is to seek to conserve the finances of the Treasury of the United States, and it is about time we began to do it. [Applause.] During the last three days of this session we will be confronted with legislation that will be brought in here under one pretext and another which will require the expenditure of hundreds and hundreds of thousands of dollars in addition to the expenditures we have already made, and it is time that some of us were struck with a streak of economy, even though we do have to practice it at the expense of most estimable gentlemen who are Members of this Congress, and who would receive the favor, apparently, of the Speaker of the House as the representative of the majority. Speaking for myself personally, and not attempting to represent the minority, I protest against this plan proposed by the Democrats in the closing hours of this Congress, when you are soon to become the minority party, in attempting to put through a plan that will permit the taking care of a dozen or 15 of your own Members on these commissions, to be paid salaries from the Treasury, and I trust that my amendment will be agreed to.

Mr. SHERLEY. Mr. Chairman, the gentleman will realize that I have been a party to no such plan. I stated in the beginning that I thought the membership of this commission ought to be composed of Members of the next Congress. My only desire is that if they do become members of this commission, and should for any reason not be Members of the succeeding Congress, their work should go on and should not be interrupted by losing membership on the commission. I have no objection to the gentleman's amendment, and I want to repeat that there is nothing that can be done by this Congress in the way of appointment to office that I would accept under any conditions.

Mr. WALSH. I am simply trying to second the sentiments of the distinguished gentleman from Kentucky, who has stated here that if it were permissible under this amendment he would not accept a position on this commission, but I doubt not that others could be found upon that side who will not be in the next Congress who would be willing to accept such an appointment. I trust my amendment will be adopted.

Mr. MAGEE. Mr. Chairman, I just want to get a few facts in relation to a national budget system into the RECORD, and I ask now unanimous consent to revise and extend my remarks therein.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAGEE. Mr. Chairman, I want to call the attention of the House to the fact that by an act of appropriation of June 25, 1910, there was made available \$100,000—

to enable the President, by the employment of accountants and experts * * * to more effectively inquire into the methods of transacting the public business * * * with a view of inaugurating new or changing old methods * * * so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone.

As I understand it, after that \$100,000 had been used up a request was made for an additional appropriation of \$250,000, and upon that request Congress appropriated \$75,000 more, making a total expenditure in the premises of \$175,000.

The commission that was created pursuant to the authority of Congress and during the administration of President Taft was called the Commission on Economy and Efficiency and made extended investigations and a detailed report on "The Need for a National Budget."

The report and recommendations of the commission and the messages of President Taft to the Congress in relation thereto during the second session of the Sixty-second Congress can be found in Document No. 854 of the House of Representatives and in Senate Document No. 1113. These two documents contain nearly 1,000 pages of printed matter.

It has been suggested upon the floor of the House that the members of that commission were not efficient, and that their extended report is not of much value. I have examined the report and, in my judgment, the report is of very material value and shows a vast amount of painstaking investigation and industry upon the part of the members of the commission.

In relation thereto President Taft, in a message to the Congress on June 27, 1912, said, in part:

I send herewith the report of the Commission on Economy and Efficiency on The Need for a National Budget. The recommendations contained therein are approved by me. I recommend to the Congress the enactment of the legislation necessary to put them into effect.

President Taft further said:

Regular committees on expenditure have been established by the Congress for the purpose of obtaining knowledge of conditions through special investigations. During the last century over 100 special congressional investigations have been authorized to obtain information which should have been regularly submitted, and much money, as well as much time, has been spent by the Congress in its effort to obtain information about matters that should be laid before them as an open book; many statutes have been passed governing the manner in which reports of expenditures shall be made; specific rules have been laid down giving the manner in which estimates shall be submitted to the Congress and considered by it. From time to time special investigations have been made by heads of executive departments. During the last century many such investigations have been carried on, and much money has been spent in the conduct of them, as well as by the Congress, for the purpose of obtaining facts as a basis for intelligent consideration of methods and procedure of doing business with a view to increasing economy and efficiency. From time to time Executive orders have been issued, and reorganizations have taken place.

Generally speaking, however, the only conclusions which may be reached from all of this are that—

No regular or systematic means has been provided for the consideration of the detail and concrete problems of the Government.

A well-defined business or work program for the Government has not been evolved.

The reports of expenditures required by law are unsystematic, lack uniformity of classification, and are incapable of being summarized so as to give to the Congress, to the President, or to the people a picture of what has been done and of cost in terms either of economy of purchase or efficiency of organization in obtaining results.

President Taft, in concluding his message, further said:

The purpose of the report which is submitted is to suggest a method whereby the President, as the constitutional head of the administration,

may lay before the Congress, and the Congress may consider and act on, a definite business and financial program; to have the expenditures, appropriations, and estimates so classified and summarized that their broad significance may be readily understood; to provide each Member of Congress, as well as each citizen who is interested, with such data pertaining to each subject of interest that it may be considered in relation to each question of policy which should be gone into before an appropriation for expenditures is made; to have these general summaries supported by such detail information as is necessary to consider the economy and efficiency with which business has been transacted; in short, to suggest a plan whereby the President and the Congress may cooperate—the one in laying before the Congress and the country a clearly expressed administrative program to be acted on; the other in laying before the President a definite enactment to be acted on by him.

Included in this report are summaries of expenditures for the year 1911, summaries of appropriations for the fiscal year 1912, and summaries of estimates of appropriations for the fiscal year 1913. To these summaries your special attention is invited. Attached is also an appendix containing a digest of laws pertaining to appropriations and allotments, to the preparation of estimates, and to forms of reporting expenditures; also the suggested pro forma draft of budget, which has been prepared by the commission and is submitted for your consideration as a matter bearing very directly on the economy and efficiency with which Government business is carried on.

That message was sent to the Congress nearly seven years ago. The Democratic administration that came into power shortly afterwards, as I am informed, starved the Commission on Economy and Efficiency to death. I am strongly in favor of a national budget system. I am in favor of it now, and while I do not wish to question the good faith of any Member of the House or of anybody else, nor to impugn the motive of any Member, yet I say that, after the Democratic administration has let this proposition sleep for seven years, I am not in favor of a proposition now that will put it to sleep for the next quarter of a century.

I want to do something in the public interest. I want drastic retrenchment in public expenditures. I want the Government to do business in a businesslike way. What I say is that we ought to get at this proposition now and show the country that we mean to do something. You can not make me believe that the adoption of a national budget system is too complex a problem for us to solve.

We all know that we can do much to improve the situation. I am not in favor, for instance, of the Committee on Indian Affairs appropriating money; I am not in favor of the Committee on Agriculture appropriating money; we can even through ourselves do much toward bringing about a practical budget system, such as was indicated in the resolution introduced in the House by Representative Fitzgerald, of New York, in September, 1917.

In the public interest and for economy and efficiency we should have, in my judgment, only one committee of the House making appropriations of public funds. Who of my colleagues are in favor of such a proposition? If any of them are, let them speak out. I am gratified to see that the distinguished chairman of the Committee on Appropriations is. I know that he is sincere. I want to help him, but I want to call the bluff that is now under consideration in the form of the pending amendment. I do not like the idea of canning the creation of a national budget system for years to come. I do not like camouflaging the public. We owe it to ourselves to show the public by prompt action that we are in earnest.

We can do something else through ourselves. We have in the House 9 or 10 departmental expenditure committees. I do not speak in a spirit of criticism, but I feel that I must say that they are nothing more or less than ornamental barnacles. Who of my colleagues are in favor of doing away with these department expenditure committees and of creating in their place a great committee on "national expenditures" or on "public accounts," fashioned after the great committee on public accounts in the House of Commons, due to the advocacy of Mr. Gladstone? If any of them are, let them speak out.

Mr. GARRETT of Tennessee rose.

Mr. MAGEE. I have only a few minutes, and I want to get some facts into the RECORD. I will say that I am going to demand of my own party, as I have demanded of the majority party here in the House, that ornamental barnacles be abolished, that the patronage connected therewith be eliminated, and that we go on and do business in the House with some degree of efficiency and economy.

I think that we ought to provide in the pending amendment that the commission to be appointed thereunder shall make a report to the Congress within 60 days after the convening of the first session of the Sixty-sixth Congress. I am heart and soul against telling the American people, who are demanding economy in public expenditures, who have been demanding for generations a national budget system, that we are not going to do anything in the matter and that we are going back and begin again where we left off in June, 1912. I feel that we have sufficient ability and intelligence in the Congress to solve the problem. At least we should be given the opportunity, and

if it shall develop that we have not brains enough to do it, then will be the time to create another commission and to waste \$100,000 more in camouflaging the public. [Applause.]

Mr. SHERLEY. Mr. Chairman, I should hope that any commission appointed that was really serious in its work, and I hope no other kind will be appointed, will be able to report on a number of matters within 60 days after the next session of Congress meets. Whether they can make a complete report, I question. I think it is desirable that the Congress instead of undertaking to get the result of the report to which the gentleman referred—a proposition so revolutionary we never could deal with it—get from this commission a report as to concrete things from time to time, and that is the reason I provided that it should have the right to report at any time with the idea that it might come in with specific recommendations that could be taken up and put into actual law. I do not want this thing to drift indefinitely. The war prevented me from making a further movement in regard to it because that prevented everything except the prosecution of the war. I made the hardest fight I ever made on the floor in reference to it—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAGEE. I am very glad to hear the distinguished gentleman make that statement.

Mr. FESS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will state that there is an amendment pending offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. FESS. I will offer an amendment to the amendment, then.

Mr. CAMPBELL of Kansas. I suggest if the amendment is not in order at this time that it be read for information of the House.

The CHAIRMAN. The Chair will have the Clerk read the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Page 2, line 9, strike out the words "at such early date as may be practicable" and insert in lieu thereof the words "by the 4th of March, 1920," so that the line as amended will read:

"The commission shall report by bill or otherwise to the two Houses of Congress with any recommendation it shall choose to make on the 4th day of March, 1920, and shall have the right to report at any time."

Mr. WALSH. Of course that is not in order at this time.

Mr. FESS. Mr. Chairman, this is not an amendment to the gentleman's amendment, but it is an amendment to the bill.

Mr. WALSH. This whole proposition is an amendment.

Mr. FESS. Is the whole matter an amendment?

Mr. SHERLEY. I will say to the gentleman from Ohio after the amendment of the gentleman from Massachusetts is voted upon it will be in order for him to offer his amendment.

Mr. FESS. I accept the correction; I was not aware that the whole language was an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Ohio is not now in order.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I agree very greatly with what the gentleman from Massachusetts [Mr. WALSH] has said in regard to the abuses of the appointing power to give places to those who are not to be Members of the next Congress who might be termed "lame ducks." At the same time I doubt very much the wisdom, notwithstanding the force of the argument, drawn from the history of the last few years to put such a matter as law. For that reason I am rather afraid to support his amendment for fear there is more harm in it than good. I just arose to comment briefly on what the gentleman from New York has said, that this commission of economy and efficiency having done a wonderful work in a report of very exhaustive character seems to have gone into decay; nothing has come from the work it did. That leaves him the fear, and I partly share it, that the same thing might occur with this movement. However, if we put the provision in that there shall be a report either in the form of a bill or otherwise not later than a certain date, it seems to me we will keep alive the proposition.

I think there is no movement before the country so important as this one. I know this is a step in the direction that we want to reach ultimately. I remember with great sensitiveness of a colloquy that was held on the floor of the House on February 11, 1915, in which I figured, when I was urging the adoption of a budget system, and which was commented upon with considerable vigor by the gentleman from New York, Mr. Fitzgerald, then the chairman of the Committee on Appropriations, and the gentleman from Illinois [Mr. MANN], the minority leader. I got at that time the opinion as to the

extreme difficulty in making any changes in the machinery of the Government. We hold with much tenacity to a thing that already is, simply because it is, and we proceed with such caution to a suggestion of any change because we do not know just where the change is leading. Whether a budget system like the English system will ever be engrafted upon our Government or not we do not know, and I care very little whether it will be in that form or not, but we certainly must have a system whereby the auditing is not done by the departments that do the spending. I think everybody will agree to that. We need a change here, and whether it will be in this form or that we can not say; but this commission is given the authority to make investigations, and if we will set the time for the report I think we are assured of the adoption of some more modern system. For that reason I sincerely hope that this step, especially from the standpoint of the Republican side of the House, will be taken, with the assurance that more economy can be exercised, that less extravagance will be had, and a better estimate can be made, and a surer responsibility established, because we can not do it when there are 13 committees, each one rivaling the other to get money out of the Treasury of the Government. This move for the establishment of a budget, if a time is fixed when it can report, will certainly result in a good reform. And I hope it will be granted.

Mr. TOWNER. Mr. Chairman and gentlemen of the committee, it is not a question of whether or not we think this reform desirable. In my judgment it is absolutely imperative. Every day that passes in which we do not take some step toward the securing of a reform in our methods of appropriation is a reflection upon this body.

I am in favor of the amendment of the gentleman from Massachusetts [Mr. WALSH]. I would be glad if the gentleman from Kentucky [Mr. SHERLEY] could be made a member of that commission. I think there is not a man on the floor of this House that would not vote to name him as the chairman of it. I know I would be very glad, indeed, to do so. However, unfortunately for us, he peremptorily declines the consideration of his name.

I want to call the attention of the members of the committee to this fact, that this is in its essence a reform of the rules of the House. The next Congress should do this. It is their business. It is their duty. Among the revisions of the rules that it will present this should be one. And I quite agree with the gentleman from New York [Mr. MAGEE], who says it ought to be done within 60 days after the convening of Congress. And I quite agree with the gentleman from Kentucky [Mr. SHERLEY], who said that at least a preliminary report could be made by that time.

Gentlemen, I presume that we ought not to expect a complete and a revolutionary reform—a system for the purpose of accomplishing the objects that we desire. Probably that could not be done, in the first place, because of the fact that there would be opposition to it in the House; in the second place, because of the fact that we could not, at a blow, strike off the completed system. Perhaps it is better for us that we should take our steps slowly. But there are some things that we can remedy. There are some changes in the rules of the House that we can and ought to make, and ought to make soon. We ought not to allow this next Congress, this next session of this next Congress, to pass without taking some steps in that direction. I am very glad, indeed, to know that men on the Democratic side of the House are as anxious, perhaps, as we are to secure this reform. We realize that during these war days there has been some excuse, perhaps, for not taking some steps. However, that time now has passed when any further excuse can be offered for our not taking some action in regard to this. The gentleman knows that the business interests of this country demand that such action shall be taken. The gentlemen here know that they expect the next Congress to do this. If the Republican Congress shall not do it, it will not be meeting the expectations of the business men of this country. It will not be doing its duty, because these tremendous appropriations that we are called upon to consider and which are presented to us can not be intelligently considered, not through any fault of the appropriation committees, but because of the faults of the system itself. These appropriations can not be correlated. The appropriations being made in three different departments for aeronautics is an example of the defects of the system. These matters ought to be budgeted, perhaps not by an elaborate system such as the English system, but the estimates given by the different members of the Cabinet ought to be revised by some other committee and presented, with their report, to the House for consideration. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time allotted for debate on the amendment has expired.

The question now arises on the amendment to the amendment offered by the gentleman from Massachusetts [Mr. WALSH], which for the information of the committee the Clerk will again report.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment to the amendment, as offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment to the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I understand the gentleman from Ohio desires to offer an amendment.

The CHAIRMAN. Does the gentleman from Ohio [Mr. FESS] desire to offer his amendment?

Mr. FESS. I do.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GALLIVAN having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 27, 1919:

H. R. 12995. An act granting the consent of Congress to the Youngstown Sheet & Tube Co. to construct, maintain, and operate a combined bridge and dam across the Mahoning River, in the State of Ohio;

H. R. 13369. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.;

H. R. 13393. An act to revive and reenact the act entitled "An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa," approved April 22, 1912;

H. R. 13427. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 13647. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 13648. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Allegheny River at or near Millvale Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 13649. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Allegheny River at or near Sixteenth Street, in the city of Pittsburgh, county of Allegheny, in the Commonwealth of Pennsylvania;

H. R. 14555. An act granting the consent of Congress to the board of supervisors of Itawamba County, Miss., to construct a bridge across the Tombigbee River at or near Barrs Ferry, in said county;

S. 5058. An act to authorize the counties of Morton and Burleigh, in the State of North Dakota, to construct a bridge across the Missouri River near Bismarck, N. Dak.;

S. 5192. An act for the construction of a bridge across Rock River at or near South Jackson Street, in the city of Janesville, Wis.;

S. 5316. An act granting the consent of Congress to Wenatchee-Beebe Orchard Co. to construct a bridge across the Columbia River at or within 4 miles northerly from the town of Chelan Falls, in the State of Washington;

S. 5478. An act granting the consent of Congress to the Fall Branch Coal Co. to construct a bridge across the Tug River;

S. 5534. An act granting the consent of Congress to Oliver Cabana, jr., Myron S. Hall, E. G. Connette, William F. MacGlashan, John H. Bradley, and M. A. Hurt to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes; and

S. 5580. An act granting the consent of Congress to the counties of Martin and Bertie, in the State of North Carolina, to construct a bridge across the Roanoke River at or near Williamson, N. C.

On February 28, 1919:

S. J. Res. 107. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 2, line 9, strike out the words "at such early date as may be practicable" and insert in lieu thereof "by the 4th of March, 1920."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report to the committee.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 2, line 9, of the Sherley amendment, after the word "make," strike out the words "at such early date as may be practicable" and insert the following: "within 60 days after the convening of the Sixty-sixth Congress."

Mr. TOWNER. Mr. Chairman, I desire only to suggest—

Mr. FOSTER. Mr. Chairman, has not the debate been closed?

The CHAIRMAN. By previous order all debate has been closed.

Mr. TOWNER. I beg the pardon of the Chair. That was on the amendment of the gentleman from Kentucky [Mr. SHERLEY] and not all amendments thereto.

The CHAIRMAN. The understanding of the Chair was that the request of the gentleman from Kentucky was that debate on all amendments was to be concluded within 25 minutes.

Mr. TOWNER. I think the Chair is mistaken.

Mr. FOSTER. I think not. The Chair stated plainly that debate on this amendment and all amendments thereto was to be closed within 25 minutes.

Mr. TOWNER. That was the Sherley amendment.

Mr. FOSTER. On this amendment which the gentleman from Kentucky [Mr. SHERLEY] offered and all amendments thereto.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TOWNER. Mr. Chairman, I call for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 11, noes 32.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on agreeing to the amendment offered by the gentleman from Kentucky [Mr. SHERLEY], as amended by the committee.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay the widow of WILLIAM P. BORLAND, late a Representative from the State of Missouri, \$7,500.

Mr. WALSH. Mr. Chairman, I rise to a parliamentary inquiry. Have lines 9 to 14 been read?

The CHAIRMAN. Yes.

Mr. WALSH. I think only the words on line 8 were read.

The CHAIRMAN. The Clerk tells the Chair that the amendment was marked to be presented at the end of line 14, and that all previous lines had been read.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 37, after line 17, insert: "To pay ALBERT JOHNSON, for salary, \$1,442.98, for clerk hire, \$333.32; TOM CONNALLY, for clerk hire, \$399.92; CARL HAYDEN, for salary, \$1,176.37, for clerk hire, \$333.32; FIORELLA H. LA GUARDIA, for salary, \$9,486.31, for clerk hire, \$1,666.60; VICTOR HEINTZ, for salary, \$10,583.90, for clerk hire, \$1,992.92; ROYAL C. JOHNSON, for salary, \$7,171.23, for clerk hire, \$999.92: *Provided*, That there shall be deducted from such amounts any money received by any of the above named as compensation for service in the Army during the present emergency, and the affidavits of the above-named persons shall be accepted as proof as to whether or not any such payments have been received by them. In all, \$35,593.79."

Mr. SHERLEY. Mr. Chairman, reserving a point of order, I desire simply to say this: I shall not make the point of order because it is a matter that relates to the membership of the House, and so far as the House is concerned the membership of the House ought to have an opportunity to express its desire in connection with the amendment that the gentleman from Illinois has offered.

Mr. MANN. Will the gentleman withdraw his point of order?

Mr. SHERLEY. I will withdraw it personally.

Mr. MANN. Mr. Chairman, this amendment speaks for itself. I think all gentlemen understand what the purpose is. The

amounts provided have been carefully checked up by the Sergeant at Arms and the Clerk of the House. They are the amounts which would be due if the certificates of attendance and pay by the Sergeant at Arms, as far as salaries are concerned, had been made out. The Speaker had indicated his willingness to sign the certificates, but there is some question as to asking the Sergeant at Arms to pay the money, he being under bond, and it seemed desirable to make provision for it directly, so that there would be no individual responsible.

Mr. WELLING. Has the gentleman included the names of all of those who entered the military service during the war?

Mr. MANN. I endeavored to.

Mr. WELLING. I understood that Mr. JONES of Texas entered the service. I listened attentively to the reading, but I understood it was not included.

Mr. SANFORD. The gentleman's name was eliminated at his own request.

Mr. MANN. The gentleman from New York [Mr. SANFORD] prepared this amendment and went over the matter with the Sergeant at Arms and with the Clerk and with the various Members, or most of them, at least, whose names are mentioned. I do not think it is a desirable thing to discuss on the floor of the House.

Mr. GARRETT of Tennessee. No. It is a most embarrassing thing to be put up to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For reimbursement to the official stenographers to committees for moneys actually and necessarily expended by them from July 1, 1918, to March 4, 1919, \$650 each, \$2,600.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so for the purpose of inquiring with reference to the item at the top of page 38, as to this \$650 each, paid out by stenographers to committees.

Mr. SHERLEY. The stenographers to committees hire their transcribers, and the Congress reimburses them for their actual expenses which they certify they have paid for transcribing the testimony.

Mr. WALSH. Then the situation is that the persons who transcribe the proceedings of the House as taken by the Official Reporters of debates are on the roll, but the persons who transcribe the hearings before committees are not?

Mr. SHERLEY. I believe that is true.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GALLIVAN having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 15796) to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919, and to protect the United States against undue enhancement of its liabilities thereunder, in which the concurrence of the House of Representatives was requested.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the heads of the several executive departments and other responsible officials, in expending appropriations contained in this or any other act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. And articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

Mr. GOOD. I offer it as a new paragraph.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 49, after line 3, insert the following as a new paragraph:

"That no part of the money appropriated by this act shall be used for any personal services or to pay for any advertisement, telegram, letter, or circular designed to defeat or enact any proposed legislation of Congress, or to influence any Member of Congress to vote on any appropriation unless specifically authorized."

Mr. GOOD. Mr. Chairman, I think a great injustice has grown up in some of the executive departments of the Government in sending out telegrams to various organizations throughout the United States requesting them to wire Members of Congress to vote for or against certain measures or to vote certain appropriations. I do not know what the expenditures would amount to for this kind of propaganda, but it runs into thousands of dollars. I know that there has never been any appropriation from which these expenses might legally be paid. I also know that the Committee on Appropriations a few days ago received telegrams by the thousands that were actuated solely by telegrams sent out from the Department of Labor at Government expense. No appropriation has ever been made for such purpose. A few months ago the Members were also deluged with telegrams and letters that had their origin in the Department of Education, all on behalf of certain legislation and increased appropriations. Now, it seems to me that that is not the duty or the part of any Government official, who is appointed to enforce the provisions of the law, so far as they relate to his office, to engage in propaganda of this kind.

Mr. BAER. Will the gentleman yield?

Mr. GOOD. I do.

Mr. BAER. There is another department here that is sending men all through the country talking to presidents of colleges and professors, and having meetings, and talking to ministers, and then they are writing back to us sending resolutions. They are lobbying through the whole country and then coming back here to lobby.

Mr. GOOD. This amendment would absolutely put a stop to that practice, so far as the funds carried in this bill are concerned. Of course, they ought not to be permitted to spend the money of the people in this way. Congress ought to say, and it does attempt to specify, the purposes for which appropriations shall be expended, and it ought not to be necessary to pass amendments of this kind. It ought not to be within the power of any official to take money out of the Treasury that Congress has appropriated for legitimate purposes and use it to carry on propaganda of this kind. The real fact is that the amendment ought to apply not only to the moneys carried in this bill but in all other bills. I hope the amendment will be agreed to.

Mr. BLANTON. Mr. Chairman, I am heartily in favor of the amendment offered. During the past week I have received telegrams and communications from various labor organizations and chambers of commerce in my district urging me to support an amendment which will be offered to the sundry civil bill to continue and make permanent the employment service. The propaganda was so general that I sent an inquiry to my district to find out where it came from and what was its source. Much to my surprise I learned that the editor of the Employment Service Bulletin, published here in Washington, a Government official, had sent out at Government expense telegrams to every labor union and labor organization in my district and to every chamber of commerce in my district, urging them to wire their Senators and their Representative to see that this public-service employment was made permanent. I take it that it is beyond the scope of employment and duty of any Government official here in Washington to take upon himself the distribution of that kind of propaganda to influence legislation.

Mr. GARNER. Especially at Government expense.

Mr. BLANTON. Especially at Government expense. All these labor unions and chambers of commerce expect their Senators and Representatives to answer their communications and tell them what they expect to do with regard to the legislation referred to. Why, I dare say it would take the services of an extra stenographic clerk to every Member to answer the communications that Members have received within the last week on this particular item.

Mr. WALSH. Did not the gentleman answer one of the telegrams?

Mr. BLANTON. Yes; I answered one; and if I had time I would like to put my answer in the Record.

Mr. EAGAN. Read it.

Mr. BLANTON. I will tell you what I answered, Mr. Chairman. When I received, through Secretary Morrison, a copy of the cablegram from Mr. Samuel Gompers, in France, telling us that it would be well for the Members of Congress not only to uphold this public-service employment amendment that is to

be offered, but every other species of legislation that was within the labor program, otherwise we could expect a revolution in this country from the returned soldier boys later on, I answered a paper in my district and told them that it was not the returned soldier boys that we had to fear in that respect; that it was not the returned soldier boys from France who caused 6,000 strikes to occur within the United States by organized labor between the 6th day of April, 1917, and the 11th day of November, 1918, during this war. I have a statement from the Department of Labor here in my pocket showing that within that time, during this war, there were 6,000 strikes in this country by labor organizations, of an average duration of 13 days each. I told this same paper that it was not the returned soldier boys who, when this Congress spoke in no uncertain terms on what is known as the Borland amendment, which was a good piece of legislation, providing that the 240,000 clerks and employees of this Government should in war time work eight hours a day to be entitled to the \$120 blanket raise in salary—I told them it was not the returned soldier boys who came to the President of the United States the next day and to the papers of Washington and said, "If that bill is not vetoed we will march on the Capitol and walk out and quit our positions and cripple every department of this Government."

Mr. COOPER of Ohio. Surely the gentleman from Texas does not want to leave the impression that organized labor during the period of the war did not try to do its part?

Mr. BLANTON. There were certain members of organized labor who were loyal to the core, who went to France and worked in the trenches at \$33 a month without a murmur; but it was some of the members of organized labor who stayed here at home who made the trouble.

Mr. GOOD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. GOOD. I will say to the gentleman that I offer this amendment not only to cure abuses in that department but in others. The abuses I refer to are as prevalent in many other departments, and the useless expenditure of Government money is just as great in the other departments.

Mr. BLANTON. I am sorry that my argument should embarrass the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent that I may proceed for five minutes.

Mr. GALLIVAN. Reserving the right to object, when the amendment is offered, as it will be offered later, we will be glad to give the gentleman all the time that the House then has at disposal, and I object.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GARRETT of Tennessee. I want to ask the gentleman from Iowa about the amendment. If I understand him correctly, I am very much in sympathy with him. I understand the purpose of his amendment is to prevent any department of the Government from sending out messages suggesting to organizations or individuals that they wire or write touching legislative matters. Is that correct?

Mr. GOOD. The amendment goes that far in some respects and in some respects it does not go that far. The amendment is a limitation only on appropriations contained in this bill, and specifically provides that no part of the money appropriated by this act shall be used for personal services or advertisement, or sending telegrams, letters, or circulars designed to affect legislation or appropriations, unless the money is specifically appropriated for such purposes.

Mr. GARRETT of Tennessee. It will prevent, if I understand it, inserting advertisements in the papers from this fund.

Mr. GOOD. Absolutely.

Mr. GARRETT of Tennessee. In other words, the gentleman is striking, if I understand correctly, at the efforts of departments here to initiate movements.

Mr. GOOD. Absolutely, and have it appear to the person receiving the telegram that the movement originated back home, whereas it originated in the department here in Washington. A man in Tennessee receives from some department a telegram to wire his Senator or Representative in Congress to vote for an appropriation. The Member receiving the telegram at first does not know that the telegram really originated here in Washington, but when he commences to receive them by the hundreds he knows then that the whole propaganda originated here, and thousands of dollars and the services of many clerks are used to promote this kind of propaganda. The only objection that gentlemen will have to the amendment is that it only applies to the money appropriated in this bill.

Mr. STAFFORD. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

In line 2, of the Good amendment, after the word "this," insert the words "or any other."

Mr. STAFFORD. Mr. Chairman, this is clearly subject to a point of order. The purpose of the amendment is to extend the provision of this amendment to all appropriations. It will be merely a camouflage amendment if it is inserted here to apply only to this bill, because it will be futile. There is no money, or very little, that can be used for this purpose. Let us make it mean something. The legislative appropriation bill, agreed to in conference, carried a Senate amendment to which I wish to direct special attention, because the abuse sought to be corrected was adverted to yesterday afternoon, and that is to prohibit the publication of all these numerous periodicals and pamphlets that are being issued by the publicity agencies and sent broadcast throughout the country at a tremendous expense to the Treasury. It provides that all publications, periodicals, journals, magazines that are printed by any governmental agency shall be discontinued unless specifically authorized by Congress. There are connected with the Government 47 publicity bureaus, and every one, on occasions, resorts to the practice that is sought to be discontinued by the pending amendment. Recently the Bureau of Education sent out propaganda to the leaders of education advocating the establishment of a department of education and suggesting an appeal to Members of Congress when there is no chance whatever for its consideration. There has been no bill reported, and yet we have been receiving letters by the score already that had their genesis here in the Bureau of Education.

Mr. GARRETT of Tennessee. I do not know to what extent this would go in preventing the franking privilege. I presume we do not wish to prevent the Educational Bureau from using the frank for proper purposes.

Mr. STAFFORD. Not at all.

Mr. GARRETT of Tennessee. Will it go to the extent of preventing that in any way?

Mr. STAFFORD. Does the gentleman refer to the amendment offered by the gentleman from Iowa or the provision in the legislative bill?

Mr. GARRETT of Tennessee. I am referring to the amendment offered by the gentleman from Iowa as applied to the present law.

Mr. STAFFORD. No; as I read the amendment it would not prevent in any wise the distribution of proper matter, printed matter, circulars concerning their activities, but it would prohibit their sending out circulars under postage or frank at Government expense.

Mr. GARRETT of Tennessee. Urging somebody to vote for something, and with that I am in sympathy.

Mr. GALLIVAN. It would stop Members of Congress from sending wires to people to vote for their bills. If it does not, I think the gentleman ought to amend it. It ought to include Members of Congress who telegraph under their frank to other Members asking them to support bills. I received a telegram when at home from a Member of Congress urging me to come back and give them a vote on this or that proposition, and it ought to be stopped.

Mr. STAFFORD. It would not go to that extent.

Mr. GALLIVAN. Do not assume for ourselves something that we are not willing to give to the departments.

Mr. STAFFORD. We ought not to be placed upon a parity with them in this respect.

Mr. GALLIVAN. Let us be on the level. I will vote for it if it will include Members of Congress.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. CANNON. As I understand, the telegram is used to get a quorum, and to get people—

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. The case instanced by the gentleman from Massachusetts [Mr. GALLIVAN] is not on all fours with the abuse sought to be corrected. Undoubtedly the gentleman on rare occasions may have received a telegram from the Democratic whip to return to vote on some proposition. That is entirely proper, but the abuse sought to be corrected here is in appropriating money to Government officials to use as a back fire upon Members of Congress.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KEARNS. Does the gentleman say that the Democratic or the Republican whip has the franking privilege when they send telegrams to Members?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, how much time would that allow to me?

Mr. SHERLEY. I do not know that it would allow anything to the gentleman. The Chair has the power of recognition.

Mr. BLANTON. Reserving the right to object, I want sufficient time in which to read a telegram—three minutes.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object—

Mr. SHERLEY. Mr. Chairman, I insist that the gentleman either object or not object.

Mr. BLANTON. I object.

Mr. SHERLEY. Then I move that all debate upon this amendment and all amendments thereto close in 10 minutes.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 71, noes 1.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twelve Members present, a quorum.

So the motion to close debate was agreed to.

Mr. KEARNS. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. KEARNS. Mr. Chairman, I take this time to ask the gentleman from Wisconsin a question. I understood the gentleman from Wisconsin a few moments ago to say that the Democratic whip and the Republican whip in sending telegrams to absent Members have the franking privilege for those telegrams. Is that true?

Mr. STAFFORD. No. I was replying to the objection of the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. I said nothing about whips.

Mr. STAFFORD. He referred to telegrams which he has received urging him to return. Those occasions must have been very rare, because he is generally here.

Mr. KEARNS. Has the Democratic whip or the Republican whip the franking privilege when sending for absent Members?

Mr. GALLIVAN. Of course they have.

Mr. GARRETT of Tennessee. Oh, no.

Mr. FOSTER. They are performing public business.

Mr. GARRETT of Tennessee. They have not the franking privilege on telegrams.

Mr. STAFFORD. I am not acquainted with the practice of the Republican or the Democratic whips in sending telegrams. I know this: That the contingent fund of the House is used for the payment of official telegrams sent by Members of Congress to their constituents or to other persons throughout the country.

Mr. KEARNS. If they have the franking privilege—

Mr. STAFFORD. The franking privilege does not extend to telegrams. It extends only to letters.

Mr. KEARNS. I want to say that I have a protest that I desire to make, because the Republican whip sent me a telegram collect, on which I had to pay 78 cents. [Laughter.]

Mr. STAFFORD. Then I think the gentleman has a good case against the Republican whip.

Mr. GARRETT of Tennessee. The whips send telegrams under the head of official business whenever it is official business and they are paid for by the Government.

Mr. CLARK of Missouri. At Government rates.

Mr. GARRETT of Tennessee. Yes; at Government rates.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts asked me awhile ago if I answered all of these telegrams that I received. I did answer them, and among such answers I sent one by telegram in particular, which, in my time, I want to read.

Mr. GALLIVAN. Before the gentleman begins, will he yield for a question?

Mr. BLANTON. Yes.

Mr. GALLIVAN. Was this a Government message, charged to the Government?

Mr. BLANTON. I refuse to yield right now. That telegram is as follows:

[Telegram.]

WASHINGTON, D. C., February 26, 1919.

SAN ANTONIO EXPRESS,
San Antonio, Tex.:

Kindly permit me to publicly answer a 1,000-word telegram just received from Director J. F. Carl. Sundry civil bill continues Employment Service until July. This service in Texas is beneficial, worthy, and ideal. Not so in many other States. It is not the returning soldier boys who are now demanding that this service be made permanent, adding an extra ten million appropriation for coming year, but it is members of organized labor who didn't enlist or fight, but who claimed industrial exemptions, and who during entire war have drawn higher wages than ever dreamed of before, as high as \$11 per day, more than the salary of the governor of Texas, while our fighting boys in trenches were paid only \$33 per month. When Gen. Crowder ordered all men to "work or fight," it was Samuel Gompers and this same bunch who threateningly told him that he could not apply the work-or-fight order to organized labor, and thus forced the drafting of boys 18 years old. When Congress required the 240,000 Government clerks, drawing annual salaries up to \$2,500, to work eight hours per day during the war, it was this same bunch who forced President Wilson to veto this eight-hour provision by thousands of such employees threatening to march on the Capitol and threatening to quit work and thus crippling every department of Government in war time. Statistics in Labor Bureau show that during war, April 6, 1917, until armistice was signed, November 11, 1918, there were in the United States 6,000 strikes by members of organized labor, lasting an average of 17 days' duration.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No. I will not yield.

In several Southern States, where farming is absolutely dependent upon negro labor, Government representatives of this Employment Service have induced thousands of negroes to leave farms and have unionized them in cities. The editor of the Employment Service Bulletin here has lately wired the unions and chambers of commerce throughout my district urging them to insist on my supporting this union program, and it takes an extra stenographer to answer such communications from labor unions. Although 45 States have ratified the prohibition amendment, and it is a part of our Constitution, these same labor unions are arranging a strike against the Constitution of the United States on July 1. They also defied law and the courts of California.

Mr. Samuel Gompers has cabled us to support this and other union measures, insinuating that a failure to do so might cause a revolution of the discontented labor members here. It has now reached a point when Congress must decide whether America and its Government is to be run in the interests of its 110,000,000 people or run solely by Samuel Gompers in the selfish interests of 3,000,000 members of labor unions. The success of a doctor, lawyer, preacher, teacher, Congressman, merchant, farmer, and public officer depends entirely upon his ability, efficiency, and class of service given, but the 3,000,000 members of unions depend solely upon Samuel Gompers, union card, power of strike, and revolution—

Mr. LONDON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. The point of order is that the gentleman can not read a document without the permission of the House.

Mr. BLANTON. I am reading in my own time, and I ask that this be not taken out of my time.

Mr. LONDON. The gentleman can not read from a document without the consent of the House.

Mr. WALSH. But the gentleman must make that point before the other gentleman starts reading.

The CHAIRMAN. The time allotted to the gentleman from Texas has expired.

Mr. COOPER of Ohio. Mr. Chairman, I would like to be recognized for three minutes.

The CHAIRMAN. But three minutes remains of the time.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to insert the balance of this telegram.

The CHAIRMAN. Is there objection?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, I shall object to its going into the RECORD unless everything shows on the telegram; and if it was sent at Government expense, that that goes into the RECORD.

Mr. BLANTON. I will put it in just like it is.

Mr. GALLIVAN. Was it sent at Government expense?

Mr. BLANTON. I will answer that if the gentleman will get me time.

Mr. GALLIVAN. Oh, that does not take any time; that only takes half a second.

Mr. BLANTON. I will answer if the gentleman will get me two minutes time.

The CHAIRMAN. Is there objection?

Mr. BENJAMIN L. FAIRCHILD. Give him the time.

Mr. GALLIVAN. I object—all right—

Mr. BLANTON. If the gentleman will get me the time to answer I will answer.

Mr. GALLIVAN. I have asked the question whether that wire was sent at Government expense or not?

The CHAIRMAN. The Chair has recognized the gentleman from Ohio [Mr. COOPER] to proceed for three minutes, being the only time remaining of the allotment upon this subject.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I do not believe that I can sit still in my seat and

listen to the gentleman from Texas [Mr. BLANTON] indicting the union labor men of this country. I have not always agreed with Mr. Samuel Gompers, and on several occasions I have taken issue with him right here on the floor of the House, but when the gentleman from Texas intimates that organized labor of this country caused all of these strikes and did not do their part in the winning of this war, he makes a misstatement which he can not prove by the facts. There is no body of men in this country who lent their heartiest support to the prosecution and winning of this war more than the workmen of this country. Who was it who made all the ammunition, the arms, and the guns; who was it who kept our railroad trains running section after section to the seacoast towns, so that the docks were piled up with provisions, ammunition, and guns for the soldiers abroad who were fighting our battles? Was it not the workmen of this country? I want to say to you that no man in this land did more to keep organized labor in line and did more in the prosecution and winning of this war than did Mr. Samuel Gompers. [Applause.] If it had not been for the efforts of Mr. Gompers the Bolsheviks and the I. W. W.'s would have had their way in this country and the wheels of industry would have been clogged and we would not have had—

Mr. BLANTON. Will the gentleman yield?

Mr. COOPER of Ohio. No, not now; the gentleman would not yield, but wants to talk all the time. [Laughter.] Mr. Chairman, I come from a section that is probably one of the greatest industrial districts of this country. I know how the organized labor men felt regarding the prosecution of this war up in my section, for that great industrial section, the Mahoning Valley, which takes in the cities of Youngstown, Niles, Warren, and the great steel industrial centers there, sent 22,000 men into the service, and a large majority of those men were men who came out of the factories, the mills, and the workshops, and the mines, and it ill becomes the gentleman from Texas to stand here on this floor and charge that organized labor did not do their part during the great crisis which we have passed through. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to modify the amendment by having it appear as a new section, section 4, instead of as a new paragraph.

Mr. SHERLEY. Mr. Chairman, I do not believe in riders upon an appropriation bill. I think they are a mistake, but the House seems to want to legislate on this matter. If they do, I am willing for the House to express its opinion, and I will not make the point of order on the amendment of the gentleman from Wisconsin to the amendment of the gentleman from Iowa.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. KEATING. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The question is now upon the amendment offered by the gentleman from Iowa [Mr. Good], who asks leave to modify his amendment. The Clerk will report the modified amendment.

The Clerk read as follows:

Mr. Good modifies his amendment so it will read: "Page 49, end of line 3, add a new section, as follows:

"Sec. 4. That no part of the money appropriated by this act shall be used for any personal services or to pay for any advertisement, telegram, letter, or circular designed to defeat or enact any proposed legislation by Congress or to influence any Member of Congress in his vote on any appropriation unless specifically authorized."

Mr. KEATING. Mr. Chairman, I make the point of order against that on the ground it is new legislation.

The CHAIRMAN. There was no reservation of the point of order. The question is upon the amendment proposed by the gentleman from Iowa [Mr. Good].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, a moment ago the House agreed to an amendment which I offered, to pay certain salaries and clerk hire. I ask unanimous consent to modify the amendment which was agreed to by inserting after the word "amounts" the words "for salary, respectively," so that the deductions which may have been paid to Members of the House who went into the Army shall be from the salary and not from the clerk hire.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment which he offered be modified as indicated. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: After the word "amounts" insert "for salary, respectively."

The CHAIRMAN. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Chairman, I do not know of a more embarrassing proposition that has been thrust upon me during my term of service here than that which was proposed by the amendment offered by the gentleman from Illinois a few moments ago. I am sure it is embarrassing to every Member. The amendment proposed by the gentleman from Illinois has been agreed to. As a matter of fact, those gentlemen who left the House of Representatives and accepted commissions in the Army, under all the holdings of the past as reported by the Committee on the Judiciary following an investigation of precedents made in order by a resolution offered by the gentleman from Illinois [Mr. MANN] calling upon them for a report, forfeited their seats as Members of the House of Representatives. I say those who accepted commissions. Those who went as privates, of course, occupied a different status.

Now, there is not any doubt about that. There is not any doubt in the mind of any gentleman here. Here, unfortunately, is what, because of our unwillingness to engage in an ungracious act, we are doing: We are providing an entirely different plane for men who left the House of Representatives and went into the Army from those who left other departments of the Government and went into the Army. I have no doubt, so far as I am personally concerned, of the correctness of the report made by the Committee on the Judiciary. I have no doubt that they were correct under the precedents; I have no doubt they were right under the reasoning. I did not make the point of order. It would have been an ungracious thing to do, it would have been an exceedingly objectionable thing to do to the membership of the House, and yet this opportunity having arisen to express myself, I wish to take advantage of it to say that I did not approve of the amendment offered by the gentleman from Illinois [Mr. MANN], and which was adopted by the Committee of the Whole. I understand there was one Member of the House [Mr. Jones] who entered the Army who asked that there be no appropriation made for his salary or clerk hire. I am glad of that. To sacrifice is one thing; to not sacrifice is an entirely different thing.

Now, Mr. Chairman, that is all I desire to say. Of course, the amendment is passed now.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask leave to speak for five minutes on this subject.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey have five minutes.

The CHAIRMAN. The request is made that the gentleman from New Jersey [Mr. PARKER] may proceed for five minutes. Is there objection?

Mr. MANN. Mr. Chairman, is there objection to the request I made to modify the amendment?

Mr. GARRETT of Tennessee. I reserved the right to object, and I suggest the gentleman from New Jersey can do the same thing and have some time.

Mr. MANN. If there is going to be any objection to it—

Mr. PARKER of New Jersey. It is really necessary that this should be discussed for a moment.

Mr. MANN. I am willing for the gentleman to discuss it, but I want to know if there is objection to the modification of the proposition that I just submitted?

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

Mr. GARRETT of Tennessee. Of course, Mr. Chairman, I shall not object to that, the other matter having gone through.

The CHAIRMAN. The Chair hears no objection to the modification and correction being made, and it is so ordered.

The Chair recognizes the gentleman from New Jersey [Mr. PARKER] for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I think the House ought to understand the last decision that was had with reference to this matter of Army service of Members of Congress and their pay.

The Constitution of the United States provides that no person holding any office under the United States shall be a Member of either House during the continuance of that office. During the Spanish-American War several Members of this House went into the war, which was a very temporary affair, as officers of Volunteers, and a resolution was offered, which went before the Committee on the Judiciary, inquiring whether they had forfeited their seats. There had been a good deal of contradictory practice in the House of Representatives before that time, during the Civil War, and no one had ever actually been turned out of the House. The provision of the Constitution is different from that of the statute in England. In England, if any member of Parliament accepts any office under the Crown, the statute declares his

seat vacant and forfeited, and that a writ of election shall immediately issue. Our Constitution does not say that the seat is forfeited forever. It simply says that no one holding office under the United States shall be a Member of either House during the continuance of his office. When this matter came before the Committee on the Judiciary, then presided over by Mr. Henderson, a resolution was reported by the majority of the committee that each of these Members, of whom Gen. Wheeler was one, had forfeited his seat. I filed a minority report, to protect these officers, suggesting that the Constitution recognized the necessity sometimes of using Members of Congress for temporary employment. The United States had sent Senators over as commissioners to Europe in order to negotiate peace and had sent Mr. Dingley to Canada as commissioner to negotiate a treaty. And while I acknowledged and believed that during the continuance of such office under the United States, such temporary office, the man was not in Congress and could not draw his pay or emoluments here, yet I insisted that if no notice was taken by Congress or by the States of the fact that the vacancy existed, the membership was only suspended and the Member could come back to his seat again.

This matter never came to decision on the merits. When the resolution was moved in the House, a veteran of the Civil War, Mr. Lacey, of Iowa, raised the question of consideration, and under the question of consideration the House refused to consider the fact that these Members had left for this temporary service. At the same time it was ruled by the Speaker, Mr. Reed then being Speaker, that he would sign no warrants for pay while they were away as officers of the Army, and while their offices continued they received Army pay, but no payment was made to any Member of Congress who went into the Army of his salary as Member during his absence. Those who returned retook their seats after discharge from the Army as officers, and went on with their duties and received their salary as Members here, as some of the present Members already have done.

Those were the facts at that time. I am not making any argument. But my theory, as I say, was that under the Constitution during the continuance of this temporary duty they should receive Army pay, but were not Members of the House or entitled to salary as such. I believe that is all I have to say.

Mr. SHERLEY. Mr. Chairman, I ask to have the last section, section 4, read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That this act hereafter may be referred to as the "third deficiency appropriation act, 1919."

Mr. SHERLEY. I ask unanimous consent to return to page 27, in order to precede the amendment that was offered by Mr. WALSH and adopted by the committee, with the heading "Ores, Metals, and Minerals." He offered an amendment which, if it would appear in the bill without a heading, would seem to make it relate to a matter of the Columbia Institution for the Deaf, to which, of course, it has no relation.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the committee return to page 27 for the purpose of offering a correcting amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 27, to precede the amendment of Mr. WALSH, insert as a center head the following: "Ores, Metals, and Minerals."

Mr. SHERLEY. That is simply a subhead in the bill to make the amendment relate properly. I ask unanimous consent that "Section 4" be changed to "Section 5."

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that "Section 4" be changed to read "Section 5" in the pending bill. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Does the gentleman want this section 4 to remain in the bill as it is—"third deficiency appropriation act"?

Mr. SHERLEY. Personally I have no opinion one way or the other. The reason we adopted the enumeration of deficiency bills was that during the war a bill would come in as a deficiency, and then there would come in another and another deficiency, and it was rather hard always to identify them. There has been in this year 1919 no general deficiency, and I personally do not object to its being designated as the "general deficiency appropriation act, 1919."

Mr. MANN. I really think that officers of the Government would not be misled, and probably that is the most important consideration. But where you say "third deficiency appropriation act, 1919," the ordinary individual would suppose that you meant the calendar year 1919. Of course, what you mean is the fiscal year 1919, because this is not the third deficiency appropriation act of this calendar year.

Mr. SHERLEY. Of course, that could be cleared up by inserting the words "fiscal year" in front of "1919."

Mr. MANN. It could.

Mr. SHERLEY. If that meets with the gentleman's view, Mr. Chairman, I suggest to amend it so as to read, "third deficiency appropriation act, fiscal year 1919." I suggest that as an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 49, line 5, after the word "act," insert "fiscal year."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks by printing data in connection with the report on the extension and completion of the Capitol Building.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record by making the insertions of which he has spoken. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill.

Mr. WALSH. Mr. Chairman, will the gentleman permit an inquiry?

Mr. SHERLEY. Yes.

Mr. WALSH. In connection with the extension of the gentleman's remarks on the proposed commission looking toward the revision of our financial system, does the gentleman intend to incorporate part of the report made by the committee in Great Britain?

Mr. SHERLEY. In regard to the question of the budget, about which the gentleman is asking, I shall be very glad to place in the Record, by the permission of the House, in connection with my remarks on the budget, part of the ninth report, I think it is, of a special committee of Parliament on the question of reform of procedure.

Mr. WALSH. The gentleman had permission to extend his remarks, and I wanted to know if he would put that in.

Mr. SHERLEY. I hope to put in part of that report.

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16187) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHERLEY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Kentucky moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a separate vote on the Mann amendment, relative to the payment of salaries to Members of Congress who were in the military service.

The SPEAKER. The gentleman from Tennessee asks that a separate vote be had on the Mann amendment. Is a separate vote demanded on any of the other amendments? If not, the Chair will put them in gross. The question is on agreeing to the other amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Mann amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 37, after line 17, insert: "To pay ALBERT JOHNSON, for salary, \$1,442.98, for clerk hire, \$333.32; TOM CONNALLY, for clerk hire, \$399.92; CARL HAYDEN, for salary, \$1,176.37, for clerk hire, \$333.32; FIORELLA H. LAGUARDIA, for salary, \$9,486.31, for clerk hire, \$1,666.60; VICTOR HEINTZ, for salary, \$10,583.90, for clerk hire, \$1,992.92; ROYAL C. JOHNSON, for salary, \$7,171.23, for clerk hire, \$999.92: *Provided*, That there shall be deducted from such amounts any money received by any of the above-named as compensation for service in the Army during the present emergency, and the affidavits of the above-named persons shall be accepted as proof as to whether or not any such payments have been received by them. In all, \$35,593.79."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the ayes seem to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 73, noes 29.

Mr. HUDDLESTON. Mr. Speaker, I demand the yeas and nays; and, pending that, I make the point of order that there is no quorum of the House present.

The SPEAKER. You do not have to make both of them at once. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 229, nays 120, answered present 4, not voting 75, as follows:

YEAS—229.

| | | | |
|------------------|-----------------|-------------------|-----------------|
| Anderson | Fisher | Loneragan | Rowe |
| Anthony | Flood | Longworth | Rowland |
| Bacharach | Focht | Lufkin | Sabath |
| Baer | Poster | Lundeen | Sanders, Ind. |
| Barnhart | Freeman | McAndrews | Sanders, N. Y. |
| Benson | French | McArthur | Sanford |
| Beshlin | Fuller, Ill. | McClintic | Schall |
| Blackmon | Gallagher | McCormick | Scott, Iowa |
| Bland, Ind. | Gallivan | McCulloch | Scott, Mich. |
| Bowers | Gandy | McFadden | Shallenberger |
| Browne | Garland | McKenzie | Siegel |
| Browning | Glynn | McKinley | Sims |
| Burroughs | Good | McLaughlin, Mich. | Sinnot |
| Caldwell | Graham, Ill. | McLaughlin, Pa. | Slomp |
| Campbell, Kans. | Graham, Pa. | McLemore | Sloan |
| Campbell, Pa. | Green, Iowa | Madden | Smith, Idaho |
| Cannon | Greene, Mass. | Magee | Smith, Mich. |
| Carew | Greene, Vt. | Mann | Smith, C. B. |
| Carter, Okla. | Griest | Mapes | Smith, T. F. |
| Chandler, Okla. | Hadley | Mason | Snell |
| Clark, Pa. | Hamilton, Mich. | Mays | Snooks |
| Classon | Harrison, Va. | Merritt | Snyder |
| Cleary | Haskell | Miller, Minn. | Steenerson |
| Cooper, W. Va. | Haugen | Miller, Wash. | Stephens, Nebr. |
| Cooper, Wis. | Hawley | Mondell | Stevenson |
| Crago | Hayes | Moore, Pa. | Stiness |
| Cramton | Hersey | Moore, Ind. | Strong |
| Currie, Mich. | Hicks | Morgan | Sweet |
| Curry, Cal. | Hilliard | Mott | Switzer |
| Dale | Hollingsworth | Nelson, A. P. | Taylor, Colo. |
| Dallinger | Hood | Nelson, J. M. | Temple |
| Darrow | Hull, Iowa | Nichols, Mich. | Templeton |
| Dayey | Husted | Nolan | Tilson |
| Davis | Hutchinson | Norton | Timberlake |
| DeLaney | Ireland | Oliver, N. Y. | Tinkham |
| Dempsey | James | Olney | Towner |
| Denison | Jul | Osborne | Treadway |
| Denton | Kahn | O'Shaunessy | Vestal |
| Dillon | Kearns | Paige | Voigt |
| Dixon | Kehoe | Parker, N. Y. | Volstead |
| Donovan | Kelly, Pa. | Peters | Waldow |
| Dowell | Kennedy, Iowa | Phelan | Walsh |
| Drukker | Kennedy, R. I. | Platt | Ward |
| Dunn | Kieess, Pa. | Polk | Wason |
| Dupré | King | Porter | Watson, Pa. |
| Dyer | Kinkaid | Powers | Weaver |
| Eagan | Kitchin | Pratt | Welling |
| Edmonds | Knutson | Purnell | Wheeler |
| Elliott | Kraus | Ragsdale | White, Me. |
| Ellsworth | Kreider | Rainey, J. W. | Williams |
| Elston | La Follette | Ramsey | Winslow |
| Esch | Lampert | Ramseyer | Woods, Iowa |
| Evans | Langley | Randall | Woodyard |
| Fairchild, B. L. | Lea, Cal. | Rankin | Yeung, N. Dak. |
| Farr | Linthicum | Reed | Zihlman |
| Ferris | Little | Riordan | |
| Fess | Littlepage | Rodenberg | |
| Fields | Lobeck | Rose | |

NAYS—120.

| | | | |
|-----------|------------|----------------|-----------|
| Alexander | Bell | Byrnes, S. C. | Crisp |
| Almon | Black | Byrnes, Tenn. | Crosser |
| Ashbrook | Bland, Va. | Candler, Miss. | Decker |
| Aswell | Blanton | Caraway | Dent |
| Ayres | Brand | Claypool | Dewalt |
| Bankhead | Brodbeck | Coady | Dickinson |
| Barkley | Buchanan | Collier | Dies |
| Beakes | Burnett | Connally, Tex. | Dominick |

| | | | |
|-----------------|--------------|---------------|-----------------|
| Doolittle | Holland | Moon | Stafford |
| Doremus | Houston | Oldfield | Stegall |
| Doughton | Howard | Oliver, Ala. | Stedman |
| Drane | Huddleston | Overstreet | Stephens, Miss. |
| Eagle | Humphreys | Padgett | Sumners |
| Fuller, Mass. | Igoe | Parker, N. J. | Thompson |
| Gard | Jacoway | Pou | Tillman |
| Garner | Johnson, Ky. | Quin | Venable |
| Garrett, Tenn. | Jones | Rainey, H. T. | Vinson |
| Garrett, Tex. | Keating | Raker | Walker |
| Godwin, N. C. | Key, Ohio | Rayburn | Walton |
| Goodwin, Ark. | Kincheloe | Robinson | Watkins |
| Gordon | Larsen | Romjue | Watson, Va. |
| Gray, Ala. | Lazaro | Rouse | Webb |
| Hamlin | Lee, Ga. | Rubey | Welty |
| Hardy | Leshner | Rucker | Whaley |
| Harrison, Miss. | Lever | Saunders, Va. | White, Ohio |
| Hastings | London | Sells | Wilson, La. |
| Hayden | McKeown | Sherley | Wingo |
| Heflin | Mansfield | Sisson | Wise |
| Helvering | Martin | Slayden | Wright |
| Hensley | Montague | Small | Young, Tex. |

ANSWERED PRESENT—4.

| | | | |
|--------|----------------|-----------|--------|
| Butler | Johnson, Wash. | LaGuardia | Rogers |
|--------|----------------|-----------|--------|

NOT VOTING—75.

| | | | |
|-----------------|------------------|------------------|--------------|
| Austin | Emerson | Heintz | Sanders, La. |
| Birch | Essen | Helm | Scully |
| Booher | Estopinal | Hull, Tenn. | Sears |
| Britten | Fairchild, G. W. | Johnson, S. Dak. | Shackleford |
| Brumbaugh | Fairfield | Kelley, Mich. | Sherwood |
| Cantrill | Flynn | Kettner | Shouse |
| Carlin | Fordney | Lehlbach | Steele |
| Carter, Mass. | Foss | Lunn | Sterling |
| Cary | Francis | Maher | Sullivan |
| Chandler, N. Y. | Frear | Morin | Swift |
| Church | Gillet | Mudd | Tague |
| Clark, Fla. | Goodall | Neely | Taylor, Ark. |
| Connolly, Kans. | Gould | Nicholls, S. C. | Thomas |
| Cooper, Ohio. | Gray, N. J. | Overmyer | Van Dyke |
| Copley | Gregg | Park | Vare |
| Costello | Griffin | Price | Wilson, Ill. |
| Cox | Hamill | Reavis | Wilson, Tex. |
| Dill | Hamilton, N. Y. | Roberts | Wood, Ind. |
| Dooling | Heaton | Russell | |

So the amendment of Mr. MANN was agreed to.

The Clerk announced the following pairs:

Mr. BUTLER (for) with Mr. STEELE (against).

Mr. BRUMBAUGH with Mr. COSTELLO.

Mr. ESTOPINAL with Mr. EMERSON.

Mr. BOOHER with Mr. COOPER of Ohio.

Mr. CANTRILL with Mr. FAIRFIELD.

Mr. CARLIN with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. FOSS.

Mr. DOOLING with Mr. FREAR.

Mr. HAMILL with Mr. GOODALL.

Mr. HELM with Mr. GOULD.

Mr. KETTNER with Mr. HEATON.

Mr. LUNN with Mr. KELLEY of Michigan.

Mr. NEELEY with Mr. LEHLBACH.

Mr. PARK with Mr. MORIN.

Mr. SANDERS of Louisiana with Mr. MUDD.

Mr. SEARS with Mr. VARE.

Mr. SCULLY with Mr. WILSON of Illinois.

Mr. SHERWOOD with Mr. WOOD of Indiana.

Mr. STERLING with Mr. HAMILTON of New York.

Mr. SULLIVAN with Mr. FRANCIS.

Mr. TAGUE with Mr. ESSEN.

Mr. NICHOLS of South Carolina with Mr. SWIFT.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAR-RISK INSURANCE (H. REPT. NO. 1136, PT. 2).

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent to file minority views on the bill to amend the war-risk insurance act.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to file minority views on the bill to amend the war-risk insurance act. Is there objection?

There was no objection.

ENTRY OF DISTILLED SPIRITS.

Mr. HENRY T. RAINEY, from the Committee on Ways and Means, presented joint resolution (H. J. Res. 438, H. Rept. 1153) to permit entry of distilled spirits shipped to the United States prior to September 9, 1917, and wines and other nonspirituous alcoholic beverages so shipped prior to January 1, 1919.

DAMS ACROSS NAVIGABLE WATERS—CONFERENCE REPORT (NO. 1147).

Mr. SIMS. Mr. Speaker, I call up the conference report on the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee calls up conference report on the bill S. 1419, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. STAFFORD. Reserving the right to object, this conference report has never been presented in the House for consideration in its entirety and therefore I object.

Mr. SIMS. Then, Mr. Speaker, I ask for the reading of the report and statement.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission.

"SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of \$5,000 a year, and prescribe his duties. The work of the commission shall, in so far as practicable, be performed by and through the Departments of War, Interior, and Agriculture and their clerical forces.

"All of the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including in the discretion of the commission a per diem of not exceeding \$4 per day in lieu of subsistence incurred by the commissioners or by their employees under their orders in making any investigation, or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for that purpose; and in order to defray the expenses made necessary by the provisions of this act there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury upon order of the commission.

"SEC. 3. That the words defined in this section shall have the following meanings when found in this act, to wit:

"'Public lands' means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include 'reservations,' as hereinafter defined.

"'Reservations' means lands and interest in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal upon the public-land laws and lands and interest in lands acquired and held for any public purpose.

"'Corporation' means a corporation organized under the laws of any State or of the United States empowered to develop, transmit, distribute, sell, lease, or utilize power in addition to such other powers as it may possess, and authorized to transact in the State or States in which its project is located all business necessary to effect the purposes of a license under this act. It shall not include 'municipalities' as hereinafter defined.

"'State' means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

"'Municipality' means a city, county, irrigation district, drainage district, or other political subdivision or agency of a

State competing under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

"That the term 'navigable waters' as used in this act and as applied to streams shall be construed to include only such streams or parts of streams as are in their ordinary natural condition used for the transportation of persons or property in interstate or foreign commerce or which through improvement heretofore or hereafter made have been or shall become usable in such commerce.

"'Municipal purposes' means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality.

"'Government dam' means a dam or other work constructed or owned by the United States for Government purposes, with or without contribution from others, from which flows surplus water not needed for Government purposes that may be disposed of under the provisions of this act.

"'Project' means a complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands, the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

"'Project works' means the physical structures of a project.

"'Net investment' in a project means the actual legitimate original cost thereof as defined and interpreted in the 'Classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission,' plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments. The term 'cost' shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others.

"SEC. 4. That the commission is hereby authorized and empowered—

"(a) To make investigations and to collect and record data concerning the power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from navigation dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent it may deem necessary or useful for the purposes of this act.

"(b) To cooperate with the executive departments and other agencies of the Government in such investigations; and for such purpose the several departments and agencies are authorized and directed, upon the request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

"(c) To make public from time to time the information secured hereunder, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use. The commission, on or before the first Monday in December of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this act, and in each case the parties thereto, the terms prescribed, and the moneys received, if any, on account thereof.

"(d) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, or in any of the navigable waters of the United States, or upon any part of the

public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam and other navigation structures have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further*, That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to the passage of this act.

"(e) To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 9 hereof: *Provided, however*, That upon the filing of any application for a preliminary permit by any person or corporation the commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application for eight weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated.

"(f) To prescribe rules and regulations for the establishment of a system of accounts and for the maintenance thereof by licensees hereunder; to examine all books and accounts of such licensees at any time; to require them to submit at such time or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, cost of project, cost of operation, and the production, transmission, use, and sale of power; and to make adequate provision for currently determining said costs. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require. Any person who, for the purpose of deceiving, makes or causes to be made any false entry in the books or the accounts of such licensee, and any person who, for the purpose of deceiving, makes or causes to be made any false statement or report in response to a request or order or direction from the commission for the statements and report herein referred to shall, upon conviction, be fined not more than \$2,000 or imprisoned not more than five years, or both.

"(g) To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the issuance of any permit or license, or the regulation of rates, service, or securities, or the making of any investigation, as provided in this act; and to require by subpoena, signed by any member of the commission, the attendance and testimony of witnesses and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any member, expert, or examiner of the commission may, when duly designated by the commission for such purposes, administer oaths and affirmations, examine witnesses, and receive evidence. Depositions may be taken before any person designated by the commission and empowered to administer oaths, shall be reduced to writing by such person or under his direction, and subscribed by the deponent. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(h) To perform any and all acts, to make such rules and regulations, and to issue such orders not inconsistent with this act as may be necessary and proper for the purpose of carrying out the provisions of this act.

"SEC. 5. That each preliminary permit issued under this act shall be for the sole purpose of maintaining priority of application for a license under the terms of this act for such period or periods, not exceeding a total of three years, as in the discretion of the commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained and a license issued. Such permits shall not be transferable, and may be canceled by order of the commission upon failure of permittees to comply with the conditions thereof.

"SEC. 6. That licenses under this act shall be issued for a period not exceeding 50 years. Each such license shall be conditioned upon acceptance by the licensee of all the terms and conditions of this act and such further conditions, if any, as the commission shall prescribe in conformity with this act, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this act, and may be altered only upon mutual agreement between the licensee and the commission after 90 days' public notice.

"SEC. 7. That in issuing preliminary permits hereunder or licenses where no preliminary permit has been issued the commission shall give preference to applications therefor by States and municipalities provided the plans for the same are deemed by the commission equally well adapted to conserve and utilize in the public interest the navigation and water resources of the region; and as between other applicants, the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region.

"That whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any application for such project by any citizen, association, corporation, State, or municipality, but shall cause to be made such examinations, surveys, reports, plans, and estimates of cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project or completion of any project upon any Government dam by the United States.

"SEC. 8. That no voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission; and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original licensee hereunder: *Provided*, That a mortgage or trust deed or sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section.

"SEC. 9. That each applicant for a license hereunder shall submit to the commission—

"(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding of the proposed project. Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission.

"(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act.

"(c) Such additional information as the commission may require.

"SEC. 10. That all licenses issued under this act shall be on the following conditions:

"(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses; and if necessary in order to secure such scheme the commission shall have authority to require the modification of any project

and of the plans and specifications of the project works before approval.

"(b) That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of a capacity in excess of 100 horsepower without the prior approval of the commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the commission may direct.

"(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the dam, reservoir, or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

"(d) That after the first 20 years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified rate of return upon the net investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

"(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license: *Provided*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is used by such State or municipality for State or municipal purposes; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than 50 horsepower capacity may be issued without charge; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

"(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee or of the United States of a storage reservoir or other headwater improvement, the commission may in its discretion require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the commission.

"Whenever such reservoir or other improvement is constructed by the United States the commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 17 hereof.

"(g) Such further conditions not inconsistent with the provisions of this act as the commission may require.

"(h) That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited. In issuing licenses for a part only of a complete project, where the land of the United States required is to be used only for transmission lines, water conduits, or for storage reservoirs, or for a complete project of not more than 50 horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act as it may deem equitable in the circumstances.

"SEC. 11. That if the dam or other project works are to be constructed across, along, or in any of the navigable waters of

the United States, the commission may, in so far as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

"(a) That such licensee shall, to the extent necessary to preserve and improve navigation facilities, construct in whole or in part, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War and made part of such license.

"(b) That in case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then, whenever the United States shall desire to complete such navigation facilities, the licensee shall convey to the United States, free of cost, such of its land and its rights of way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete such navigation facilities.

"(c) That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States.

"SEC. 12. That whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures can not, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in section 11, subsection (a) hereof, the commission may, before taking action upon such application, cause a report upon such project to be prepared, with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures.

"SEC. 13. That the licensee shall commence the construction of the project works within the time fixed in the license, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The periods for the commencement and completion of construction may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the project works or of any specified part thereof within the time prescribed in the license or as extended by the commission, then, after due notice given, the license shall, as to such project works or part thereof, be terminated upon written order of the commission. In case the construction of the project works or of any specified part thereof have been begun but not completed within the time prescribed in the license or as extended by the commission, then the Attorney General, upon the request of the commission, shall institute proceedings in equity in the district court of the United States for the district in which any part of the project is situated for the revocation of said license, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 26 hereof.

"SEC. 14. That upon not less than two years' notice in writing from the commission, the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 3 hereof and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the commission. The net investment of the licensee in the project or projects so taken and the amount of

such severance damages, if any, shall be determined by agreement between the commission and the licensee, and in case they can not agree, by proceedings in equity instituted by the United States in the district court of the United States in the district within which any such property may be located: *Provided*, That such net investment shall not include or be affected by the value of any lands, rights of way, or other property of the United States licensed by the commission under this act, by the license, or by good will, going value, or prospective revenues: *Provided further*, That the values allowed for water rights, rights of way, lands, or interest in lands, shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee: *Provided*, That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this act at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved.

"Sec. 15. That if the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 14 hereof, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount for the property taken, and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof: *Provided*, That in the event the United States does not exercise the right to take over and does not issue a new license to the original or a new licensee, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

"Sec. 16. That when in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license hereunder, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project, or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right, it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee.

"Sec. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national forests is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of Agriculture in the survey, construction, and maintenance of roads and trails within such national forests. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national parks is hereby reserved and appropriated as a special fund in the Treasury, to be expended under the direction of the Secretary of the Interior in the improvement and development of such parks. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, and of national monuments, and power site or other reserves outside of national forests, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act. All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. Fifty per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States, or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

"Sec. 18. That the operation of any navigation facilities which may be constructed as a part of or in connection with

any dam or diversion structure built under the provisions of this act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War. Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce; and for willful failure to comply with any such rule or regulation, such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 25 hereof.

"Sec. 19. That as a condition of the license, every licensee hereunder which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any licensee hereunder or by its consumer engaged in public service within a State which has not provided a commission or other authority with power to regulate and control the services to be rendered by such licensee or by its consumer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

"Sec. 20. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the consumer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section.

"The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

"In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission, for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act.

"Sec. 21. That when the licensee is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, and can not

acquire by contract or pledges the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

"Sec. 22. That whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the joint approval of the commission and of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission, and thereafter in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fulfill all such contracts.

"Sec. 23. That the provisions of this act shall not be construed as revoking any permit or valid existing right of way heretofore granted, or as revoking any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may retain the same subject to the conditions set forth in the grant thereof and subject to any and all rules and regulations applicable thereto and existing at the date of the approval of this act, or may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this act, and in such case the provisions of this act shall apply to such applicant as a licensee hereunder.

"As to all streams or parts of streams, other than streams the use of which is herein authorized to be licensed, over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams therein: *Provided*, That any applicant who proposes to construct a dam in any such last-mentioned stream or part of stream may at his option make application to the commission, and if the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of navigation in interstate or foreign commerce, the applicant may receive a license under the conditions with all of the rights and privileges herein provided for streams or parts of streams used for the transportation of persons or property to interstate or foreign commerce in their ordinary, natural, or improved condition.

"Sec. 24. That any lands of the United States included in any proposed project under the provisions of this act shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of this act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this act, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction,

said bond to be in the form prescribed by the commission: *Provided*, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

"Sec. 25. That any licensee, or any person, who shall willfully fail or who shall refuse to comply with any of the provisions of this act, or with any of the conditions made a part of any license issued hereunder, or with any subpoena of the commission, or with any regulation or lawful order of the commission, or of the Secretary of War, or of the Secretary of Commerce as to fishways, issued or made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding \$1,000, in addition to other penalties herein prescribed or provided by law; and every month any such licensee or any such person shall remain in default after written notice from the commission, or from the Secretary of War, or from the Secretary of Commerce, shall be deemed a new and separate offense punishable as aforesaid.

"Sec. 26. That the Attorney General may, on request of the commission or of the Secretary of War, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this act or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders, and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of War, and to compel the performance of any condition imposed under the provisions of this act. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may become a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 14 hereof at the termination of the license.

"Sec. 27. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

"Sec. 28. That the right to alter, amend, or repeal this act is hereby expressly reserved; but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this act, or the rights of any licensee thereunder.

"Sec. 29. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided*, That nothing herein contained shall be held or construed to modify or repeal any of the provisions of the act of Congress approved December 19, 1913, granting certain rights of way to the city and county of San Francisco."

And the House agree to the same.

T. W. SIMS,
SCOTT FERRIS,
A. F. LEVER,
JOHN J. ESCH,
WM. L. LA FOLLETTE,
G. N. HAUGEN.

Managers on the part of the House.

J. H. BANKHEAD,
D. U. FLETCHER,
KEY PITTMAN,
H. L. MYERS,
KNUTE NELSON,

Managers on the part of the Senate.

I do not concur in the first amendment made by the conferees to subsection (d), section 10.

G. N. HAUGEN.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the conference report.

The conferees adopted as the basis of their report the House amendment. The amendments which were made in conference were made to the House amendment. The references by sections are to the House amendment.

The first amendment is as follows: At the end of section 2 add the words "and their clerical forces." The amendment simply declares that the clerical forces of the Departments of War, Interior, and Agriculture shall so far as practicable perform the work of the Water Power Commission.

The next amendment is in section 3. In the definition of the word "corporation" the words "sell, lease," are inserted after the word "distribute," and after the word "power" the words "in addition to such other powers as it may possess" are inserted. This amendment is an enlargement of the definition of the word "corporation."

The next amendment is the insertion of the definition of the term "navigable waters." There was no corresponding definition in the House amendment, and the definition inserted is exactly as passed by the Senate.

The next amendment is the changing of the word "navigation" in the definition of "navigation dam" to that of "Government," and this change is carried all through the bill. It is thought that "Government dam" is a more comprehensive and clearer expression of what is intended than the expression "navigation dam." In the definition of the term "Government dam" the words "the improvement of navigation" are stricken out and the words "Government purposes" are inserted. In the opinion of the conference committee this is a proper change, as it is thought to be more comprehensive.

The next amendment occurs in section 4, subsection (c). The amendment of the House provides that the commission might make public such portions of the information secured under the authority of this act as it might deem expedient in the public interest. The amendment provides that all information shall be made public, and is as follows: Strike out the words "such portions of" after the word "time" and strike out the words "as it shall deem expedient in the public interest" after the word "hereunder." In the same paragraph the words "and in each case" are inserted, so as to provide that in each license issued the names of the parties thereto, the terms prescribed, and the moneys received shall be made public.

The next amendment is in subsection (d). The words "the majority of the stock of which is owned by citizens of the United States" are stricken out, and the words "organized under the laws of the United States or any State thereof, or to any" are inserted in lieu thereof.

The next amendment is to strike out the word "its" before the word "public," in the third proviso, and after the word "purposes" the insertion of the words "in addition to navigation," so that the proviso will read:

"That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to the passage of this act."

The next amendment is in section 7. The word "hereunder," which occurs after the word "licenses," is transposed and placed after the word "permits," and after the word "licenses" the words "where no preliminary permit has been issued" are inserted; and in the same paragraph after the word "commission" the words "equally well" are inserted. Your committee thought these changes were in the interest of clarity. In section 7, second paragraph, after the word "project," in the last line, the words "or completion of any project upon any Government dam" are inserted. It is thought that this amendment would prove of benefit to the Government in the protection of its own property.

The next amendment is in section 8, as follows: At the end of the section add the following:

"Provided, That a mortgage or trust deed or sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section."

This amendment is put in only for the purpose of making more clear the evident intent of the paragraph and to avoid any confusion thereunder.

The next amendment is in section 10, subsection (c), and is as follows: Strike out of said subsection the words "Each license issued hereunder shall contain an express condition that the licensee shall, before the commencement of the construction of said project works, comply with all laws of the State in which said project works, or any part thereof, are to be situated relative to damages that may be caused, directly or indirectly, by said proposed project works; but the United States shall not be liable for any part of said damages," and insert in lieu thereof the following: "Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the dam, reservoir, or of the works appurtenant or accessory thereto constructed under the license, and in no event shall the United States be liable therefor." The purpose of this amendment is to provide that the licensee shall pay all damages caused to the property of others. It is thought that the proposed amendment accomplishes this more perfectly than the language stricken out.

Section 10, subsection (d), is the so-called amortization section. The bill as passed the House provided that this amortization feature should be incorporated into the license from the beginning of the term of the grant. The House amendment as amended in conference provides that this amortization feature shall not become effective until after the expiration of the first 20 years of operation. There is also stricken from this subsection the last sentence.

The next amendment is in subsection (e) of section 10. The second sentence of that subsection, as passed the House, down to the proviso is as follows:

"When licenses are issued that contemplate the use of navigation dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at periods of not less than 10 years, in a manner to be described in each license."

As amended the sentence reads as follows:

"When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license."

The next amendment is in subsection (f) of section 10. The first paragraph of the section, as it passed the House, reads as follows:

"That whenever any licensee hereunder is directly benefited by the construction by another licensee of a storage reservoir or other headwater improvement, the commission may in its discretion require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be set forth in the license, and all amounts so received by any licensee shall be paid into a special amortization reserve, for the retirement of the cost of such reservoir or other improvement."

As amended the paragraph is as follows:

"That whenever any licensee hereunder is directly benefited by the construction work of another licensee or of the United States of a storage reservoir or other headwater improvement, the commission may in its discretion require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the commission."

In the opinion of your conferees these changes are necessary in order to make the section workable.

The next amendment is in subsection (h), section 10, and is as follows: At the end of the paragraph add:

"In issuing licenses for a part only of a complete project, where the land of the United States required is to be used only for transmission lines, water conduits, or for storage reservoirs, or for a complete project of not more than fifty horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act as it may deem equitable in the circumstances."

It is thought by your conferees that such discretion should be vested in the commission.

The next amendment is in section 14. The Senate recedes from its disagreement to this section with an amendment as

follows: After the word "taken" where it first occurs in the section insert the words "not to exceed the fair value of the property taken," and the House agrees to the same.

The next amendment is at the end of section 15, and is as follows:

"Provided, That in the event the United States does not exercise the right to take over and does not issue a new license to the original or a new licensee, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid."

The next amendment is in the third paragraph of section 20, and is as follows: At the end of the section add the words "but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act." It is thought that this amendment should be inserted in order that there might be no misunderstanding that it was the intention and purpose of Congress that the expenditures set forth in the amendment should be included for the purposes of rate making. Some of your conferees were of the opinion that this was clearly set forth in the section as it passed the House, but in order that there be no misunderstanding the amendment was agreed to.

The next amendment is at the end of section 21, and is as follows:

"The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated."

The next amendment is in section 23, and is a new paragraph added to that section, as follows:

"As to all streams or parts of streams other than streams the use of which is herein authorized to be licensed, over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams therein: *Provided*, That any applicant who proposes to construct a dam in any such last-mentioned stream or part of stream may at his option make application to the commission, and if the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of navigation in interstate or foreign commerce, the applicant may receive a license under the conditions with all of the rights and privileges herein provided for streams or parts of streams used for the transportation of persons or property in interstate or foreign commerce in their ordinary, natural, or improved conditions."

This amendment is only an amplification of the Senate definition of "navigable waters." In our opinion the amendment grants no additional jurisdiction or rights.

T. W. SIMS.
SCOTT FERRIS.
A. F. LEVER.
JOHN J. ESCH.
WM. L. LA FOLLETTE.
G. N. HAUGEN.

Mr. SIMS. Mr. Speaker, I expect to move the previous question before the hour expires. I thought it would be fair to the members of the conference committee that I should retain 20 minutes for members of the Interstate Commerce Committee who are on the conference committee, one-half of that time to be yielded to the gentleman from Wisconsin [Mr. ESCH], 20 minutes to the gentleman from Oklahoma [Mr. FERRIS], and 20 minutes to the gentleman from South Carolina [Mr. LEVER], to be yielded by them as they see proper. I will yield this time for Members to discuss the report, but I expect to retain the floor for the purpose of moving the previous question. How will that suit the gentleman from Wisconsin.

Mr. ESCH. The gentleman can not get more than one hour for the consideration of the conference report?

Mr. SIMS. The Speaker said he would not recognize anybody to call up a conference report who would not agree to move the previous question at the end of an hour. I promptly agreed to do so.

Mr. ESCH. The gentleman will divide the time among the three committees?

Mr. SIMS. Yes; what does the gentleman say to that arrangement?

Mr. MANN. Are all of these gentlemen in favor of the conference report?

Mr. SIMS. I think they are.

Mr. MANN. That would be a pretty situation, to have an hour divided all among gentlemen in favor of the report. What is the use of taking any time at all?

Mr. SIMS. Those gentlemen can yield to whoever they please.

Mr. MANN. That is just it; they can.

Mr. SIMS. I have not heard of any gentleman being against the report.

Mr. WALSH. I am.

Mr. MANN. Several people are against it. I think it would take more than an hour to explain it to me.

Mr. SIMS. The bill was before the House last summer for two or three weeks and very fully discussed.

Mr. MANN. Not this bill. This bill has never been explained to the House. I am not complaining about the time. If the gentleman wants to move the previous question and agree to it without any discussion at all, I am willing to vote against it, but to agree to an hour's time to be wholly used by those in favor of it is of no use.

Mr. SIMS. I do not know of anyone opposed to it.

Mr. WALSH. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. WALSH. If the gentleman knows of nobody who is opposed to it, I will ask him how anybody could be opposed to it with time controlled by three gentlemen in favor of it. This bill has been in conference several months.

Mr. SIMS. As far as I know everybody is in favor of it. I will yield time to the gentleman from Massachusetts.

Mr. WALSH. People opposed to it ought to have some amount of the time.

Mr. LA FOLLETTE. If the gentleman from Tennessee will yield, I think there is a misapprehension as to the division of this time. The gentleman is simply dividing the time between the three committees, 20 minutes to each committee, and the Member representing the committee can yield the time to those opposed to it?

Mr. SIMS. Yes.

Mr. MANN. And if they do not want to they can give none.

Mr. LA FOLLETTE. There is no disposition not to give opponents part of the time.

Mr. SIMS. I assume that gentlemen would not do such a thing as that.

Mr. LA FOLLETTE. Not if they were gentlemen.

Mr. SIMS. I would not do such a thing.

Mr. MANN. But the gentleman is proposing it.

Mr. SIMS. Mr. Speaker, I submit this request for unanimous consent.

Mr. WALSH. The gentleman does not have to ask for unanimous consent; he controls the entire hour. What is the need of unanimous consent?

Mr. SIMS. I am a member of the Interstate and Foreign Commerce Committee, the gentleman from Oklahoma [Mr. FERRIS], is a member of the Committee on the Public Lands, and the gentleman from South Carolina [Mr. LEVER] is a member of the Committee on Agriculture.

Mr. MANN. The gentleman has the authority to yield, but he can not do it by unanimous consent.

Mr. SIMS. The chairmen of these different committees know better to whom to yield than I do.

Mr. MANN. The gentleman has the authority to yield, if he pleases, but he can not do it by unanimous consent.

Mr. SIMS. I only wanted to see if it would meet with unanimous consent. Mr. Speaker, I give notice that I reserve one minute at the end of the hour in which to move the previous question within the hour. As I understand it, the time for debate begins now?

The SPEAKER pro tempore. Yes.

Mr. SIMS. Mr. Speaker, I want to say in as few words as possible, so as to make myself clear, that the bill as agreed to in conference, so far as the fundamental provisions of the bill are concerned, so far as any question of principle is concerned, is practically in all respects just as it passed the House. The difference between the Senate and the House on fundamental matters was on the recapture clause, on the question of the amount to be charged by the Government for power. The charge provisions of the bill are exactly as they passed the House, no change whatever. Section 10, subsection (e) provides that the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. There is no maximum and no minimum. We simply give the commission the power—and that is exactly as it passed the

House—to make reasonable annual charges, so that the commission can control each and every project as to charges with regard to the special conditions that may surround any particular project. On the net investment or recapture clause of the bill, section 14, the Senate recedes from its disagreement to this section, with an amendment as follows:

After the word "taken," where it occurs first in the section, insert the words "not to exceed the fair value of the property taken."

Section 14, as it passed the House, provided for payment to licensee, upon recapture, of the net investment. Gentlemen will remember that the gentleman from Oklahoma [Mr. FERRIS] fought that very bitterly upon the idea that the property might be depreciated in value; that unnecessary expense might have been incurred in the construction; and that the net investment would exceed the fair value or the reasonable value, or even just compensation at the end of the license period, and this amendment which has been agreed to in conference "not to exceed the fair value," retains the net investment provisions as to the cost accounting and everything else; nothing is stricken out of section 14, nothing is taken away from the net investment provisions of the bill, and the only words added are the ones that I just referred to, "not to exceed the fair value of the property taken." That is the only change there is in section 14, which is called the recapture section.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SIMS. Yes.

Mr. WALSH. Does the bill define the meaning of the words "fair value?"

Mr. SIMS. No.

Mr. WALSH. But it does of "net investment."

Mr. SIMS. It does of net investment, and I will say to the gentleman it does not make a definition of "fair value." It does say what the net investment shall be, but from this net investment are to be deducted certain elements of value, such as going concern, good will, increased value of land furnished by the United States, and so on. The fair value, of course, will be limited by these deductions, because these deductions are made to apply to the net investment, as provided in the law. The net investment means what the investor has put in the project, but not to exceed the fair value of the property taken, retaining all the limitations in the bill touching the net investment, although it does not define the words "fair value."

Mr. WALSH. What is added to it by those words?

Mr. SIMS. I will state that the conferees thought that the net investment at the end of the license period on account of loss of markets or the run-down condition of the property or something of that sort, that the exchange or commercial value might be less than the net investment. In other words, the net investment might show \$100,000, but the property might not have a commercial value of exceeding \$50,000, and that if anybody except the Government or a municipality or a State was going to purchase this property he would not have to pay more than its actual value, whatever that might be, and this amendment is to save the Government or the State or the municipality from having to pay the net investment when the net investment as shown by the books of the company exceeds the exchange or ordinary commercial value of the property. It is to protect the United States Government, the States, and municipalities that may desire to take over the property.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SIMS. Yes.

Mr. RAKER. In section 15 of the bill, lines 7 to 13 of the confidential prints, page 24, the conferees added a new proviso to the effect that if the United States does not exercise the right to take over and does not enter into a new lease with the original or a new lessee, the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new lease entered into as aforesaid. Is it the purpose to allow the original licensee to continue from year to year just as long as he wants to, or what was the object of that amendment?

Mr. SIMS. That is not the purpose of it. The argument was made in considering this bill by investors and by the bond houses that if the license period should end abruptly and the Government did not take it over and a municipality or State did not take it over, and no new licensee had applied for a new license, that we would abruptly terminate the service of the project, though it might be delivering power to a municipality, a State, or a manufacturing concern, and the Senate conferees were very insistent upon not having a possible hiatus. This provision only provides that until the Government acts or the State or the municipality acts or a new license is granted.

Mr. RAKER. In other words, the original terms granted to the first licensee without any interruption or diminution continues up to its end.

Mr. SIMS. Yes.

Mr. RAKER. But if the Government fails to take it over or it can not get a new licensee to the end that the project does not cease, that the public are not inconvenienced, the licensee may continue from year to year at a rental fixed in the original lease to operate the plant.

Mr. SIMS. Yes; that is it. Now, there is another change, but I do not think that is a fundamental change. It was not contrary to any principle in the bill. In the House bill, as it passed, where dams built by the Government were leased the Government retained the right to readjust the rentals in periods of not less than 10 years. Some of the conferees insisted that it would be wiser and better to make the first period 20 years from the beginning of operation and then every 10 years thereafter. It does not change the principle of the right to readjust, but prevents readjustment for that period of time when it is reasonable to suppose the property would not be earning the amount that it would after it had been in operation for some time. These three changes, the one covering the hiatus, the other providing that in recapture the net investment should not exceed the fair value, are all that are material. We have a number of minor changes which the report and statement set out, but those are all that are fundamental or that in any way affect the fundamental principles in the bill. I want to say it is the best all-around water-power bill that has ever been reported in the House or Senate or that has ever passed either House, and it is better now than it was when the Senate passed it or when it passed the House. All kinds of water-power development are provided for—Government water-power development, State water-power development, municipal water-power development, private corporation water-power development, individual water-power development, or development of water powers by associations of individuals. Potentially every kind and character of water-power development can be had under the provisions of the bill.

Mr. SINNOTT. Will the gentleman yield?

Mr. SIMS. How much time have I used?

The SPEAKER pro tempore. The gentleman has used nine minutes.

Mr. SIMS. I will have to yield according to what I said to the gentleman from Wisconsin [Mr. ESCH].

Mr. SINNOTT. The gentleman from Minnesota [Mr. ANDERSON] secured an amendment to the bill in the House permitting municipalities to take the property before the end of the term by paying just compensation. Is that still in the bill?

Mr. SIMS. It remains in the bill as it passed the House.

Mr. SINNOTT. Then in regard to another section.

Mr. SIMS. That meant, as I understood at the time in the House, that the Government has the right to take over a project at any time before the expiration of the license period by paying just compensation.

Mr. SINNOTT. Another question: Is there anything now in the bill or conference report fixing the measure of the fair value or the manner in which the fair value is to be determined?

Mr. SIMS. There is no new legislation in the conference report defining fair value, as I have just said a moment ago in reply to an inquiry of the gentleman from Massachusetts [Mr. WALSH]. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used one minute more, making in all 10 minutes.

Mr. SIMS. I will reserve one minute for myself, making 11 minutes, and I will yield to the gentleman from Wisconsin [Mr. ESCH], if he desires to debate or discuss the report for that purpose.

Mr. ESCH. I would like to yield part of the time to the gentleman from Illinois.

Mr. SIMS. That is all right. I yield to the gentleman from Wisconsin [Mr. ESCH] 10 minutes, to be yielded as he sees proper.

Mr. ESCH. Mr. Speaker, the Senate passed what is known as the Shields bill, which only relates to the construction of dams upon navigable waters, the jurisdiction of which being vested in the Secretary of War. The House bill, recommended by the joint water-power committee, embraces in a single measure the construction of dams upon navigable waters, upon the public domain, and in the forest reserves. In order to do this the bill provides for the creation of a commission consisting of the three secretaries—the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. These differences in the plan and scope of these two measures constituted one of the chief obstacles to the conferees getting together on the pending bill. There was much opposition on the part of the Senate conferees to the plan of a commission of Cabinet officers. The House conferees, however, prevailed in their contention. We maintained the administrative features in the House bill throughout. One of the principal changes made by

the conferees in the bill as it left the House relates to the definition of "navigable waters." No definition was contained in the House bill. The House conferees accepted the definition in the Shields bill. Another change made in conference related to the matter of creating amortization reserves. As the bill left the House these amortization reserves were to begin at the beginning of the term. As amended the amortization reserves are not required to be created until 20 years after the time the project goes into operation. The House conferees agreed to the compromise. Another change made by the conferees related to the readjustment of charges on Government dams. As the bill left the House these charges were to be readjusted at intervals of 10 years after the project goes into operation. Under the conferees' agreement this readjustment was changed so that it could not be made until 20 years after the project went into operation and thereafter at 10-year intervals.

The recapture clause was changed by the conferees by the addition of these words, "shall not exceed the fair value of the property taken." I resisted that amendment of the conferees as long as I could, but yielded ultimately. I had been in favor of the net investment as a basis for recapture and the basis for rate making, believing that net investment was a fixed, determined amount and could be ascertained at any day, month, or year. Another change made by the conferees was to take care of the hiatus which under the House bill resulted at the end of the termination of the period of 50 years. As the bill left the House, at the end of the 50-year period the licensee merely became what might be called a tenant at sufferance. That was a doubtful status, and one which would create hesitancy on the part of investors in lending money to the licensee. In conference we adjusted this difficulty in this way: We gave the commission the power, after the termination of the 50 years, to extend the license for periods of one year and until the Government either took over the project itself or found a new licensee. Another change made by the conferees was in reference to the basis for rate making. In the House bill the basis for rate making was practically the net investment, but there was some doubt expressed by the Senate conferees that the terms used would not authorize the commission to allow to the licensee the cost for the construction of locks, aids to navigation, or other capital expenditures. Personally I believe that the net-investment definition covered the matter, but to remove all doubt we provide that for the purpose of rate making the commission shall take in account the cost to the licensee of the construction of lock or locks, aids to navigation, or capital expenditures.

I wish to state, Mr. Speaker, that the conferees labored long and hard to bring about an agreement between the Houses. For 10 years there has been a conflict between the Houses on the matter of water-power legislation, and the rock upon which the two Houses have split for most of this period is the one which gave to the Government the right to exact a charge for the development of water power. This bill gives the commission the power to demand such charge. The Senate has uniformly denied the right of the Government to exact a charge for the development of water power. This, to my mind, was the crucial question which divided the Houses, and upon this crucial question the Senate has receded and the House has won its contention.

Mr. SINNOTT. Will the gentleman yield?

Mr. ESCH. For just a moment.

Mr. SINNOTT. I notice in section 23 that a permit may be given for a dam on a nonnavigable feeder of a navigable stream.

Mr. ESCH. I will state that amendment was presented by the gentleman from Washington [Mr. LA FOLLETTE]. My time has about elapsed, and I will suggest that the inquiry be put to him.

Mr. SINNOTT. I wanted to get the gentleman's view. I understand it is not compulsory upon the applicants to apply for that permit. That is optional, and that one building a dam on the nonnavigable stream is not compelled to apply to the commission for permission unless he sees fit?

Mr. ESCH. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has used eight minutes.

Mr. SINNOTT. I understand the gentleman agrees with me on that?

Mr. ESCH. That is my opinion.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I get two minutes out of this hour. The gentlemen in favor of the bill get the balance of the time.

Mr. LA FOLLETTE. Mr. Speaker, I yield to the gentleman three minutes out of my time.

Mr. MANN. Then I get five minutes out of the hour. I am much obliged.

I would like to take two or three minutes to express my confidence in the members of the conference committee. I have been working along with them on this subject, some of them, for many years, and I have a great deal of confidence in their judgment. I need not say I have a great deal of confidence in their integrity or purpose and their intelligence, because it would be impossible for one who knows them half as well as I do not to have. And yet here is a conference report upon an extremely important subject presented to Congress in the closing days, when everybody is pressed almost beyond endurance; printed in the Record, it is true, with an hour's discussion permitted, of which, so far as I know, those opposed to it get five minutes, and the subject proposed to be disposed of in that way after a controversy lasting 8 or 10 years. Now, just for instance, I want to call attention to one thing in the conference report. The gentleman from Oregon [Mr. SINNOTT] just suggested it was not necessary to get a permit for the construction of a dam on a stream which was nonnavigable. Of course, the Government has no control whatever over a stream that is nonnavigable unless it be on Government property. There can be no question about that. But it has always been contended by the Government that if a stream which was navigable here, say, and up at the other end of this aisle, it was a navigable stream in the eye of the law all the way. The Government has always maintained and the courts have always held, under the contention of the Government, that a stream that was navigable was navigable, not in parts here and there and elsewhere. Of course, nobody builds a dam as a rule right where a stream is navigable. Here is the Potomac River, a navigable stream, up here where the rapids are and where the falls are. It would take an act of Congress to authorize the construction of a dam there, but under the terms of this conference report it is nonnavigable.

The gentleman from Oregon [Mr. SINNOTT] shakes his head. He is not familiar with it. I call his attention to the definition.

That the term "navigable waters" as used in this act and as applied to streams shall be construed to include only such streams or parts of streams as are in their ordinary natural condition used for the transportation of persons or property in interstate or foreign commerce or which, through improvements, heretofore or hereafter may have been or shall become usable in such commerce.

Here is a stream that is navigable. It has rapids or falls in it, a place where you can construct a dam. Usually it is not navigable there. Now, under the terms of this bill, where they can construct a dam it is declared nonnavigable, and, under the law, where it is nonnavigable it is controlled wholly by the States. The Federal Government has nothing to do with it. Here is the definition of navigable streams which puts the Government of the United States out of court.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MANN. I yield.

Mr. LA FOLLETTE. In section 23 of the bill it is amplified as carrying out the idea suggested by the gentleman, that the Government has control of streams that are navigable in part, although they are not navigable right at the time. And it says the commission can grant licenses in that kind of a stream provided the licensee asks for it.

Mr. MANN. Oh, well, the gentleman from Oregon just showed it was not necessary for a man to ask for a license from the Government. And the Government either has control or it has not. The Government of the United States can not grant a license for the construction of a dam across a nonnavigable stream in a State. We have got no more to do with it than the King of England.

Mr. SINNOTT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SINNOTT. My question was merely directed to a nonnavigable feeder of a navigable stream.

Mr. MANN. It was directed to the point to which the gentleman from Washington directed his statement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Does the gentleman desire more time? If you do, I will grant you five minutes.

Mr. MANN. Is my time up?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. The gentleman has yielded me more time. I will take a minute.

Mr. SIMS. Mr. Speaker, I understand it is to come out of the time that goes to the Committee on Agriculture?

Mr. MANN. I am not complaining.

Mr. HAUGEN. I yield five minutes to the gentleman from Illinois.

Mr. MANN. I shall not occupy the full five minutes. I do not want to take all the time of those who may be opposed to the proposition. I have called attention to one glaring defect

in this report, which apparently gives away the whole case of the Government.

You can define all you please what the terms are, where a dam is to be constructed in a navigable stream under the control of the Government, and put in all you please about how much they shall pay, and nobody who wants to construct a dam will complain if at the same time you tell them that where they want to construct it it does not come within the control of the Government. Here is the definition of navigable waters as applied to streams, which exempts practically every place in the United States where you can build a dam. Why, Muscle Shoals were not navigable, yet we had a great contest. Nobody doubted that the river at that point was called a navigable river, because it was navigable above and below; but, under the terms of this definition, it was declared nonnavigable, and when it is declared nonnavigable the Government of the United States has nothing more to do with it. It is purely within the control of the State, because the only authority which the General Government has over the flowing water is on the ground of the control of navigation.

Now, I will let the gentlemen wrestle with that proposition a little while.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit a question?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. Is not this report on this bill, in company with others, a report upon a bill introduced away back in 1917? I have not a copy of the bill, but I see that this conference report here was filed and ordered printed February 26; that is, day before yesterday. It says, "To accompany Senate bill 1419." Was not that bill introduced away back in 1917?

Mr. MANN. I suppose it was introduced probably the first day that this Congress met. It was acted upon by the Senate a long time ago and acted upon by the House a long time ago, so far as that is concerned, and even that was not the beginning. This controversy has been pending for many years. This House, while I was not here, created a special water-power committee, as I understand, composed of members of other committees, which I think was a very appropriate thing to do.

Mr. COOPER of Wisconsin. The reason I asked the question of the gentleman from Illinois was to call attention to the fact that this legislation, than which there is hardly anything of an industrial character to be conceived of greater in importance, is pending between the two Houses month after month. Finally it is brought up here, within two or three days of the final adjournment of this Congress, and there is no opportunity for fair discussion. It is the old system, which I have seen put in practice here ever since I have been a Member of the House.

Mr. MANN. Oh, it is a good deal better than the system which was in the House when the gentleman from Wisconsin came into the House and when I came into the House, in this respect, that it was not then the practice nor the custom to ever print a conference report in the Record, and that was not done until I made a holy terror of a kick in the House, reactionary as I was. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. Mason].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for two minutes.

Mr. MASON. Mr. Speaker, I am not specially interested in the dam discussion in this bill, and I say reverently that I do not give a damn for the dams. I wish to emphasize the word "reverently." [Laughter.] But I am interested, Mr. Speaker, in the proposition of bringing home the American boys, and we are now in this situation: In the two minutes that I have I desire simply to say a word, and I again give notice that there shall be a quorum here. I see from the newspapers that the President has announced that there will be no extra session and no chance for Congress to be in session and pass upon the question of demobilization in the Army camps of this country. According to the mail that I have from the boys there, there has been no fair show in the execution even of the orders issued by the War Department. To-day, with 41 cruisers and 39 battle-ships, we are bringing home a less number of boys every month than we sent over at a critical time. I have asked for a resolution here to have a committee appointed that shall sit during the session to hear the question and determine questions of demobilization.

Mr. Speaker, I am addressing my colleagues, and if I should appear at any time to make a dilatory motion it is for this reason, that the men, women, and children of this country are suffering, the farmers are suffering, because the little men with big epaulets keep the boys in the service regardless of the fact that they have furnished the necessary affidavits for discharge. They are not bringing the men home as rapidly as they can and as they should. I make the point now—

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MASON. I have not spoken a minute.

The SPEAKER pro tempore. When the gentleman challenges the accuracy of the Chair, the clock says two minutes.

Mr. MASON. I yield to the clock and also to the Chair.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Sims] is recognized.

Mr. MASON. Mr. Speaker, I make the point of no quorum.

SEVERAL MEMBERS. Oh, no!

Mr. MASON. Oh, yes. Let us stay. There is no quorum. Count them.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of no quorum.

Mr. SIMS. Mr. Speaker, how much more time does the gentleman want?

Mr. MASON. I want five minutes.

Mr. RAKER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from California moves a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

| | | | |
|-----------------|------------------|----------------|-----------------|
| Anthony | Estopinal | Kincheloe | Sherley |
| Ashbrook | Fairchild, G. W. | Langley | Shouse |
| Barnhart | Fairfield | Lehlbach | Slomp |
| Birch | Fisher | Linthicum | Smith, C. B. |
| Blackmon | Flynn | Miller, Minn. | Smith, T. F. |
| Bland, Ind. | Focht | Mondell | Snell |
| Booher | Foss | Morin | Steele |
| Britten | Francis | Neely | Stephens, Miss. |
| Brodbeck | Frear | Nelson, J. M. | Stephens, Nebr. |
| Brumbaugh | Goodall | Nichols, S. C. | Strong |
| Buchanan | Gray, N. J. | O'Shaunessy | Sullivan |
| Burroughs | Gregg | Overmyer | Summers |
| Butler | Griffin | Park | Swift |
| Candler, Miss. | Hamill | Porter | Tague |
| Carlin | Hamilton, N. Y. | Pou | Taylor, Ark. |
| Cary | Heaton | Powers | Templeton |
| Chandler, N. Y. | Heintz | Price | Thomas |
| Church | Helm | Ragsdale | Towner |
| Cooper, Ohio | Hersey | Reavis | Vare |
| Copley | Hood | Reed | Vinson |
| Costello | Houston | Riordan | Voigt |
| Cox | Howard | Roberts | Waldow |
| Davey | Hull, Tenn. | Rowland | Weaver |
| Dent | Johnson, Ky. | Russell | Webb |
| Dies | Kahn | Sanford | White, Ohio |
| Dooling | Kehoe | Scully | Wilson, Ill. |
| Doremus | Kelley, Mich. | Sears | Woodward |
| Drukker | Kennedy, R. I. | Sells | Wright |
| Emerson | Key, Ohio | Shackleford | Zihlman |

The SPEAKER pro tempore. On this call 312 Members have answered present—a quorum.

Mr. CRISP. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Georgia moves to dispense with further proceedings under the call.

The motion was agreed to.

Mr. SIMS rose.

The SPEAKER pro tempore. The Doorkeeper will unlock the doors. The gentleman from Tennessee is recognized.

Mr. MASON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MASON. I rise to make a motion to adjourn.

Mr. SIMS. I move the previous question on the adoption of the conference report. If we are going to have a regular filibuster, why, let us have it.

Mr. WALSH. Oh, well, the gentleman had previously agreed that there should be one hour of debate.

Mr. SIMS. I know I had, but the gentleman from Illinois is wasting the time in filibustering.

Mr. WALSH. He has a right to do it.

Mr. SIMS. Of course he has a right to do it, and I have a right to move the previous question.

The SPEAKER pro tempore. The Chair recognized the gentleman from Tennessee. The gentleman from Illinois rose and addressed the Chair, and the Chair asked him for what purpose he rose. He said, "I rise to make a motion to adjourn." That does not constitute a recognition.

Mr. WALSH. That is just what I was going to contend, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. Sims] has been recognized.

Mr. SIMS. We are going to dispose of this conference report to-night, or as soon as possible. If the gentleman wants to debate the bill, I am willing—

Mr. MASON. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MASON. I want to inquire whether the motion to adjourn is in order?

The SPEAKER pro tempore. The motion to adjourn is always in order when a gentleman gets recognition to make it; but the gentleman from Tennessee [Mr. SIMS] has the floor and has an hour.

Mr. MASON. And the Chair now rules, as I understand the ruling, that he did not recognize me because I had made a motion to adjourn?

The SPEAKER pro tempore. The Chair never recognized the gentleman, and can not recognize him in the time of the gentleman from Tennessee. The gentleman from Tennessee has this hour and the right to parcel it out as he chooses.

Mr. MASON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MASON. I desire to appeal from the decision of the Chair.

Mr. WALSH. There is nothing to appeal from.

Mr. LEVER. I make the point of order that there is nothing to appeal from.

The SPEAKER pro tempore. The gentleman from Illinois appeals from the decision of the Chair, but there is nothing from which the gentleman from Illinois can appeal. The gentleman from Illinois has not been recognized.

Mr. MASON. Mr. Speaker, I desire—

The SPEAKER pro tempore. The gentleman from Tennessee will proceed.

Mr. SIMS. I move the previous question on the adoption of the conference report.

The SPEAKER pro tempore. The gentleman moves the previous question on the conference report.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MASON. I call for a division.

The SPEAKER pro tempore. The gentleman from Illinois asks for a division on the motion to order the previous question. The House divided; and there were—ayes 131, noes 36.

Mr. MASON. I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Ten Members, not a sufficient number.

Mr. MASON. Mr. Speaker, I make the point of no quorum.

Mr. FERRIS. I make the point of order that that is dilatory. The roll has just been called.

The SPEAKER pro tempore. The Chair will say to the gentleman from Oklahoma that no question of dilatoriness can be raised in connection with the point of no quorum.

Mr. FERRIS. If the Chair will indulge me a moment, the roll has just been called, and no business has transpired since then.

The SPEAKER pro tempore. That rule applies to a different situation. The point of no quorum can never be treated as dilatory. The presence of a quorum is the very foundation of business in the House. The Chair will count. [After counting.] Two hundred and thirty-two Members present, a quorum.

Mr. MASON. Mr. Speaker, I make the point of order that the Chair has counted Members elect who are not Members of this Congress.

The SPEAKER pro tempore. The Chair thinks not.

Mr. MASON. I ask for a roll call.

The SPEAKER pro tempore. The gentleman from Tennessee has the floor. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. MASON) there were 175 ayes and 40 noes.

Mr. MASON. I make the point that the last count shows no quorum.

The SPEAKER pro tempore. The Chair thinks that there is a quorum present.

Mr. MASON. The last count does not show it.

Mr. SIMS. Mr. Speaker, I move to reconsider the vote, and that that motion lie on the table.

Mr. MASON. Mr. Speaker, I make the point that on the last announcement of the Chair no quorum is present.

The SPEAKER pro tempore. The Chair will say to the gentleman that there were many Members present who did not vote.

Mr. MASON. I do not know.

The SPEAKER pro tempore. The Chair does know. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the yeas and nays.

Mr. SIMS. Oh, Mr. Speaker, that is too late; the vote has been declared, and I moved to reconsider.

Mr. COOPER of Wisconsin. Mr. Speaker, I was on my feet asking for the yeas and nays.

Mr. SIMS. But it is too late. I have moved to reconsider.

The SPEAKER pro tempore. The Chair will not be too hasty about that. The question is on ordering the yeas and nays. All those in favor of taking this vote by yeas and nays will rise. [After counting.] Forty-five Members, a sufficient number, and the Clerk will call the roll.

Mr. BLANTON. Mr. Speaker, on what is this vote to be taken?

The SPEAKER pro tempore. On agreeing to the conference report.

Mr. SIMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIMS. I did not understand that the gentleman from Wisconsin had demanded the yeas and nays on the adoption of the conference report. I thought it was on my motion to reconsider. Of course I would not have the slightest objection to the yeas and nays being taken on the conference report.

The SPEAKER pro tempore. The yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 263, nays 65, not voting 100, as follows:

YEAS—263.

| | | | |
|-----------------|------------------|-------------------|----------------|
| Almon | Evans | LaGuardia | Robinson |
| Anderson | Fairchild, B. L. | Larsen | Rodenberg |
| Ashbrook | Ferris | Lazaro | Rogers |
| Aswell | Fess | Lea, Cal. | Romjue |
| Austin | Fields | Lee, Ga. | Rose |
| Ayres | Fisher | Leshner | Rouse |
| Bacharach | Flood | Lever | Rowe |
| Bankhead | Focht | Littlepage | Rubey |
| Barkley | Foster | Lobeck | Rucker |
| Barnhart | Fuller, Ill. | Loneragan | Sanders, Ind. |
| Beakes | Fuller, Mass. | Lufkin | Sanders, La. |
| Bell | Gandy | Lunn | Sanford |
| Benson | Gard | McAndrews | Saunders, Va. |
| Beshlin | Garland | McArthur | Scott, Iowa |
| Black | Garrett, Tex. | McClintic | Sells |
| Blackmon | Glynn | McCormick | Shallenberger |
| Bland, Ind. | Godwin, N. C. | McCulloch | Sherley |
| Bland, Va. | Good | McFadden | Sherwood |
| Blanton | Goodall | McKenzie | Siegel |
| Brand | Goodwin, Ark. | McKeown | Sims |
| Brodbeck | Gordon | McKinley | Sinnott |
| Browning | Gould | McLaughlin, Mich. | Sisson |
| Burnett | Graham, Pa. | McLaughlin, Pa. | Sloan |
| Byrnes, S. C. | Gray, Ala. | McLemore | Small |
| Byrnes, Tenn. | Greene, Mass. | Magee | Smith, Idaho |
| Caldwell | Greene, Vt. | Maher | Smith, C. B. |
| Campbell, Pa. | Griest | Mansfield | Smith, T. F. |
| Candler, Miss. | Griffin | Martin | Snook |
| Cantrill | Hadley | Mays | Steagall |
| Caraway | Hamilton, Mich. | Merritt | Stedman |
| Carew | Harrison, Miss. | Miller, Minn. | Stevens, Miss. |
| Carter, Okla. | Harrison, Va. | Miller, Wash. | Sterling |
| Clark, Fla. | Haskell | Mondell | Stiness |
| Classon | Hastings | Montague | Summers |
| Claypool | Hawley | Moon | Switzer |
| Cleary | Hayden | Moore, Pa. | Taylor, Colo. |
| Coady | Hayes | Moore, Ind. | Templeton |
| Coiller | Hedin | Morgan | Thompson |
| Connally, Tex. | Holyering | Mott | Tillman |
| Connolly, Kans. | Hensley | Mudd | Tilson |
| Cooper, W. Va. | Hicks | Nicholls, S. C. | Timberlake |
| Crago | Hilliard | Nolan | Tinkham |
| Crisp | Holland | Oldfield | Treadway |
| Curry, Cal. | Hollingsworth | Oliver, Ala. | Van Dyke |
| Dale | Hull, Tenn. | Oliver, N. Y. | Venable |
| Dallinger | Humphreys | Olney | Vestal |
| Darrow | Husted | Osborne | Waldow |
| Davey | Hutchinson | O'Shaunessy | Walker |
| Decker | Igoe | Overstreet | Walton |
| Delaney | Ireland | Padgett | Ward |
| Dempsey | Jacoway | Paige | Wason |
| Denton | Johnson, S. Dak. | Parker, N. J. | Watkins |
| Dewalt | Johnson, Wash. | Parker, N. Y. | Watson, Pa. |
| Dickinson | Kearns | Peters | Watson, Va. |
| Dill | Kehoe | Phelan | Weaver |
| Dixon | Kennedy, Iowa | Platt | Welling |
| Dominick | Kennedy, R. I. | Polk | Welty |
| Donovan | Kettner | Porter | Whaley |
| Doolittle | Key, Ohio | Pratt | White, Me. |
| Doughton | Kless, Pa. | Purnell | Wilson, La. |
| Drane | Kincheloe | Quin | Wilson, Tex. |
| Dupré | Kinkaid | Raker | Wingo |
| Egan | Kitchin | Ramsey | Wise |
| Eagle | Kraus | Randall | Young, Tex. |
| Elston | Kreider | Rayburn | Zihman |
| Esch | La Follette | Riordan | |

NAYS—65.

| | | | |
|-----------------|-----------|--------------|-----------|
| Baer | Denison | Gallagher | King |
| Bowers | Dillon | Gallivan | Knutson |
| Brown | Dowell | Garner | Lampert |
| Cannon | Dunn | Graham, Ill. | Little |
| Chandler, Okla. | Dyer | Green, Iowa | London |
| Clark, Pa. | Edmonds | Haugen | Longworth |
| Cooper, Wis. | Ellsworth | Huddleston | Lunden |
| Cramton | Essen | Hull, Iowa | Madden |
| Crosser | Farr | James | Mann |
| Currie, Mich. | Fordney | Julius | Mapes |
| Davis | French | Kelly, Pa. | Mason |

| | | | |
|----------------|--------------|----------|----------------|
| Nelson, A. P. | Sabath | Sweet | Williams |
| Nichols, Mich. | Schall | Temple | Wood, Ind. |
| Norton | Scott, Mich. | Voigt | Young, N. Dak. |
| Rainey, J. W. | Smith, Mich. | Volstead | |
| Ramseyer | Stafford | Walsh | |
| Rankin | Steencerson | Wheeler | |

NOT VOTING—100.

| | | | |
|-----------------|------------------|----------------|-----------------|
| Alexander | Emerson | Jones | Shackleford |
| Anthony | Estopinal | Kahn | Shouse |
| Birch | Fairchild, G. W. | Keating | Slayden |
| Booher | Fairfield | Kelley, Mich. | Slemp |
| Britten | Flynn | Langley | Snell |
| Brumbaugh | Foss | Lehlbach | Snyder |
| Buchanan | Francis | Linthicum | Steele |
| Burroughs | Frear | Morin | Stephens, Nebr. |
| Butler | Freeman | Neely | Stevenson |
| Campbell, Kans. | Garrett, Tenn. | Nelson, J. M. | Strong |
| Carlin | Gillett | Overmyer | Sullivan |
| Carter, Mass. | Gray, N. J. | Park | Swift |
| Cary | Gregg | Pou | Tague |
| Chandler, N. Y. | Hamill | Powers | Taylor, Ark. |
| Church | Hamilton, N. Y. | Price | Thomas |
| Cooper, Ohio | Hamlin | Ragsdale | Towner |
| Copley | Hardy | Rainey, H. T. | Vare |
| Costello | Heaton | Reavis | Vinson |
| Cox | Heintz | Reed | Webb |
| Dent | Helm | Roberts | White, Ohio |
| Dies | Hersey | Rowland | Wilson, Ill. |
| Doelling | Hood | Russell | Winslow |
| Doremus | Houston | Sanders, N. Y. | Woods, Iowa |
| Drukker | Howard | Scully | Woodyard |
| Elliott | Johnson, Ky. | Scars | Wright |

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STEELE with Mr. BUTLER.

Mr. HAMILL with Mr. FOSS.

Mr. CARLIN with Mr. FAIRFIELD.

Mr. HELM with Mr. HEATON.

Mr. TAGUE with Mr. KELLEY of Michigan.

Mr. CHURCH with Mr. ANTHONY.

Mr. DENT with Mr. BRITTON.

Mr. DOREMUS with Mr. BURROUGHS.

Mr. FLYNN with Mr. COPLEY.

Mr. HAMLIN with Mr. ELLIOTT.

Mr. HARDY with Mr. FREEMAN.

Mr. HOOD with Mr. KAHN.

Mr. HOUSTON with Mr. LANGLEY.

Mr. HOWARD with Mr. REAVIS.

Mr. LINTHICUM with Mr. REED.

Mr. POU with Mr. SANDERS of New York.

Mr. RAGSDALE with Mr. SLEMP.

Mr. SLAYDEN with Mr. SNYDER.

Mr. STEPHENS of Nebraska with Mr. STRONG.

Mr. STEVENSON with Mr. TOWNER.

Mr. VINSON with Mr. WINSLOW.

Mr. WEBB with Mr. WOODYARD.

Mr. WHITE of Ohio with Mr. GEORGE W. FAIRCHILD.

Mr. WRIGHT with Mr. SWIFT.

The result of the vote was announced as above recorded.

Mr. MASON. Mr. Speaker, I ask for a verification of the vote.

The SPEAKER. A verification of the vote rests entirely in the judgment of the Speaker. If it were a close vote, so close that mistakes enough might have been made to change it, the Chair would have no hesitancy in granting that request, but the Chair declines to order a verification of the vote.

Mr. MASON. Mr. Speaker, I appeal from the decision of the Chair.

Mr. FOSTER. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The gentleman from Illinois [Mr. MASON] appeals from the decision of the Chair, and the gentleman from Illinois [Mr. FOSTER] moves to lay that appeal on the table. The gentleman from Illinois [Mr. MASON] has no right to appeal from the decision of the Chair on that particular point, as it is a matter that is entirely within the discretion of the Speaker.

Mr. SIMS. Mr. Speaker, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The SPEAKER. Without objection, it is so ordered.

Mr. MASON. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to reconsider the vote by which the bill was passed and to lay that motion on the table.

The question was taken, and the Chair announced that the ayes had it.

Mr. MASON. Mr. Speaker, I ask for a division.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. Does the affirmative vote lay this motion on the table?

The SPEAKER. It does.

Mr. WALSH. How can you have two motions pending before the House?

The SPEAKER. This is a motion that is always put in that way.

Mr. WALSH. That is when it is done by unanimous consent.

Mr. FOSTER. Nobody asked for a division.

Mr. WALSH. You do not have to divide a motion to reconsider and a motion to lay that motion on the table.

The SPEAKER. Those in favor of the motion of the gentleman from Tennessee will rise and stand until counted.

Mr. WALSH. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. That the House can not have under consideration two motions at one and the same time. The gentleman from Tennessee moves to reconsider and asked to lay that motion on the table.

The SPEAKER. That is the way it is always done.

Mr. WALSH. That is, when it is done by unanimous consent.

The SPEAKER. The question before the House is to lay the motion to reconsider on the table. We are not voting on the motion to reconsider, but to table it.

Mr. STAFFORD. Mr. Speaker, if the Chair will pardon me, the House must first vote on the motion to reconsider. Any Member has the right to enter the motion to reconsider.

The SPEAKER. Any Member has the right to ask to have these two motions severed, but nobody asked it.

Mr. STAFFORD. I wish to direct the attention of the Speaker to the actual conditions. The gentleman from Tennessee made the customary motion to move to reconsider and to lay that motion on the table. Usually that is put by unanimous consent, and it was so put, but objection was made. Then the gentleman from Tennessee moved to reconsider.

Mr. SIMS. No; he did not.

The SPEAKER. No; it was done in the usual way, and any gentleman had the right to ask to have the two severed, but nobody did.

Mr. STAFFORD. Never in the history of the House have two motions been voted on at the same time.

The SPEAKER. Those in favor of this motion will rise and stand until counted. [After counting.] One hundred and sixty-three in the affirmative. Those opposed to tabling the motion to reconsider will rise and stand until counted. [After counting.] Five. On this question the ayes are 163 and the noes 5.

Mr. MASON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. The Chair will count.

Mr. CHARLES B. SMITH. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. No; the Chair will not hold that the motion is dilatory. [After counting.] Two hundred and fifty-one Members are present, a quorum.

Mr. MASON. Mr. Speaker, I rise to make the point that many men have been counted who are Members of the next Congress.

The SPEAKER. How does the gentleman know any such thing as that? [Applause.] The Chair is doing this counting.

SEVERAL MEMBERS. Regular order!

The SPEAKER. The motion is carried.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the conference report.

Mr. BYRNS of South Carolina. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16104.

Mr. BYRNS of Tennessee. Mr. Speaker, there is on the Speaker's desk the fortification appropriation bill with Senate amendments—three short amendments—which I desire to call up.

Mr. BYRNS of South Carolina. Several conference reports have been called up to-day with amendments, with the statement that they would only take a few minutes.

Mr. BYRNS of Tennessee. This is not a conference report.

The SPEAKER. The Chair will recognize the gentleman from South Carolina as soon as he gets through with the gentleman from Tennessee.

Mr. BYRNS of South Carolina. The Speaker said that this morning in regard to the bill of the gentleman from Tennessee, which we have just finished.

The SPEAKER. The gentleman from Tennessee got in an important conference report.

Mr. BYRNS of South Carolina. Does not the Speaker think it important that the sundry civil bill should go to the Senate?

The SPEAKER. Well, the Chair will recognize the gentleman next.

Mr. BYRNS of South Carolina. Provided no one else asks for recognition.

The SPEAKER. It does not make any difference who asks for it.

Mr. MASON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MASON. It is about the dinner hour, and I rise to make a motion to adjourn.

The SPEAKER. The Chair had recognized the gentleman from Tennessee.

FORTIFICATION APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I call up the bill H. R. 15979, the fortification bill, with Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (H. R. 15979) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1920, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Speaker, there are three amendments adopted by the Senate. I ask that amendments numbered 2 and 3 be read and then I shall move that the House agree to those amendments.

Mr. MASON. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the amendment.

Mr. STAFFORD. It requires unanimous consent.

The SPEAKER. After a while; yes.

The Clerk read as follows:

Page 6, line 8, strike out "\$125,000" and insert "\$140,000."

Page 12, after line 17, insert:

"Sec. 8. That no part of the moneys appropriated in each or any section of this act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise."

Mr. BYRNS of Tennessee. Mr. Speaker, I move to agree to the amendments just read.

Mr. GOOD. Which amendments?

Mr. BYRNS of Tennessee. To the amendments just read, amendments numbered 2 and 3.

The SPEAKER. The gentleman from Tennessee moves that the House agree to the Senate amendments just read.

Mr. BYRNS of Tennessee. Mr. Speaker, amendment No. 2 relates to a provision for the construction of a concrete wharf in the Philippine Islands. The estimate submitted to the committee was for \$140,000. The committee after the hearing reported \$125,000 and it so passed the House. Now, the authorities in the War Department appeared before the Senate committee and stated that it would be absolutely impossible to build this wharf for less than \$140,000, the amount of the original estimate, and told the committee—

Mr. MASON. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Not just now. And they told the committee that unless \$140,000 could be appropriated then there was no necessity of making any appropriation, because it could not be built for \$125,000. The House committee and the Senate committee were satisfied that this wharf was badly needed, because the one there now is insecure and unsafe, and therefore I move that the House concur in the amendment of the Senate appropriating \$15,000 more.

Mr. MASON. Mr. Speaker—

Mr. BYRNS of Tennessee. Now, as to amendment No. 3, it simply provides that no money appropriated in any section of this act shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured in each or any of the Government arsenals of the United States. In other words, it is a simple provision providing that those articles shall be, when it is possible, manufactured in Government arsenals rather than by private concerns. Mr. Speaker, I move the previous question—

The SPEAKER. The gentleman has to get unanimous consent.

Mr. MASON. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table—

Mr. BYRNS of Tennessee. I thought that had been already granted.

The SPEAKER. To take from the Speaker's table—

Mr. BYRNS of Tennessee. I thought unanimous consent had been given.

The SPEAKER. No; it never had been asked for or given.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does it require unanimous consent to consider Senate amendments on this bill?

The SPEAKER. It takes unanimous consent to take from the Speaker's table and ask for a conference.

Mr. BYRNS of Tennessee. I am not asking for a conference, Mr. Speaker.

Mr. MANN. The Chair lays a bill before the House, and I am under the impression—I may be mistaken—that unless it is a Senate amendment which requires new consideration in the Committee of the Whole it is a privileged matter to move to concur in the Senate amendment.

The SPEAKER. I think the gentleman from Illinois [Mr. MANN] is correct. Those in favor of these two amendments—

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question.

Mr. MASON. Will the gentleman from Tennessee yield for a question?

Mr. BYRNS of Tennessee. I will yield.

Mr. MASON. Is there in your amendment, or in the proposition you make, a provision for bringing the boys who are in the American Army home to this country?

Mr. BYRNS of Tennessee. This amendment has no relation to the inquiry the gentleman makes of me.

Mr. MASON. Have you any information that you can give to the House— [Cries of "Regular order!"]

Mr. BYRNS of Tennessee. I have no information on the subject.

The SPEAKER. The regular order is demanded.

Mr. MASON. The gentleman yielded for a question. I do not propose to take my seat until I have asked an important question. I suppose he had a right to yield for a question.

The SPEAKER. The Chair thought the gentleman had finished his question.

Mr. MASON. I had not.

The SPEAKER. What is the question?

Mr. MASON. I am presenting it now to the gentleman in charge of this bill.

The SPEAKER. The Chair himself would like to know what it is.

Mr. MASON. All right. Thank you. Is there any proposition in this bill or in your amendment that proposes to assist the fellows who under the rules of the War Department are being deprived of the right to go home?

Mr. BYRNS of Tennessee. The gentleman knows the answer to his question as well as I could possibly give it to him. I have been entirely courteous to the gentleman.

Mr. MASON. You have been courteous, and I know the answer.

Mr. BYRNS of Tennessee. This bill, I will say to the gentleman, has no relation whatever to the soldiers in the service or to the question of their discharge.

Mr. MASON. I thank you for knowing what I knew in advance. [Laughter.]

The SPEAKER. The question is on agreeing to the two amendments.

The question was taken, and the amendments were agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House disagree to Senate amendment No. 1.

The SPEAKER. The gentleman from Tennessee moves that the House disagree to Senate amendment No. 1.

Mr. MASON. Mr. Speaker, I rise in opposition to that motion.

Mr. BYRNS of Tennessee. I have the floor, I think, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. BYRNS of Tennessee. This amendment, gentlemen of the House, makes provision for the manufacture of 26 railway mounts and for 5 barbette carriages, costing something like \$6,700,000. And the amendment provides that over \$3,000,000 shall be available in cash and the balance in authorization. This proposition was very carefully considered by the House committee and was denied, for the reason that it was perfectly evident that these railway mounts could be manufactured much quicker than the guns can be forged and machined, and we therefore thought this appropriation could be postponed.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] moves that the House disagree to the amendment.

Mr. BYRNS of Tennessee. I move the previous question.

Mr. MASON. Mr. Speaker, I rise in opposition. I would like to be heard in opposition.

Mr. BYRNS of Tennessee. I have the floor.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. MASON. But he did not move the previous question until I had addressed myself to the Chair. I rise in opposition to the amendment.

Mr. BYRNS of Tennessee. I had not surrendered the floor.

The SPEAKER. The gentleman can move the previous question if he wants to do so.

Mr. BYRNS of Tennessee. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on disagreeing to this amendment No. 1.

The question was taken, and the motion was agreed to.

Mr. MASON. Mr. Speaker—

The SPEAKER. Does the gentleman want to move to send this bill to conference?

Mr. BYRNS of Tennessee. I do not.

Mr. MASON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MASON. I move to adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. MASON. Mr. Speaker, I call for a division.

The House divided; and there were—ayes 7, yeas 154.

Mr. MASON. I make the point of order that there is no quorum present.

The SPEAKER. The motion to adjourn is rejected.

Mr. FOSTER. Mr. Speaker, I make the point of order that it does not require a quorum to adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MASON] makes the point there is no quorum present. The Chair will count.

Mr. FOSTER. Mr. Speaker, I make the point that it does not require a quorum.

The SPEAKER. I know it does not require a quorum, but they can demand a roll call and everything of the sort.

Mr. NICHOLS of South Carolina. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. NICHOLS of South Carolina. I rise for the purpose of asking that the House donate a case of nuxated iron to the gentleman from Illinois [Mr. MASON].

The SPEAKER. The motion is out of order.

Mr. MASON. If the gentleman had as much love for the boys in the old country as I have—

Mr. NICHOLS of South Carolina. The gentleman has got more than he needs.

Mr. MASON (continuing). He would not waste cheap words on this particular question.

The SPEAKER. The Chair will count.

Mr. MASON. If the gentleman tried nuxated iron he would have more force and less gall.

The SPEAKER. Two hundred and twenty-seven gentlemen are present—a quorum.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BYRNS of South Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16104—the sundry civil appropriation bill.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16104—the sundry civil bill. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MASON rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MASON. I desire to oppose the motion to go into Committee of the Whole.

The SPEAKER. It has already been voted on.

Mr. CRISP. And it is not debatable.

The SPEAKER. The motion is agreed to, and the gentleman from Texas [Mr. GARNER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16104, the sundry civil appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16104) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE.

LIGHTHOUSES, BEACONS, FOG SIGNALS, LIGHT VESSELS, AND OTHER WORKS UNDER THE LIGHTHOUSE SERVICE.

The United States Shipping Board Emergency Fleet Corporation is authorized and directed, from vessels building or under contract, to transfer to the Lighthouse Service three vessels for use as lighthouse tenders and one vessel for use as a light ship, such vessels to be in lieu of the vessels authorized for the Lighthouse Service by the act approved June 20, 1918, and one vessel (to cost not to exceed \$200,000) for use as a light ship to replace the vessel destroyed at the Diamond Shoal Light Station, N. C.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last word.

Mr. DUPRÉ. I should like to ask the gentleman in charge of the bill for some explanation as to the details and workability of this scheme that has been developed by the committee in regard to these light vessels and tenders. I should like to know something more about it.

Mr. BYRNES of South Carolina. Mr. Chairman, all that there is to be said about it is that the Emergency Fleet Corporation has building and under contract many ships. They stated to the committee that the value of those ships when completed is something to be determined in the future. Certainly they will not get full cost value, and inasmuch as that is true and the Lighthouse Service needs vessels of this character, we directed that the United States Shipping Board Emergency Fleet Corporation shall transfer to the Lighthouse Service the vessels needed by the Lighthouse Service to carry on their business.

Mr. DUPRÉ. I should like to ask the gentleman whether that is to be done after consultation with the officials of the Shipping Board?

Mr. BYRNES of South Carolina. It is. I will be frank to say to the gentleman that I have a letter from the Department of Commerce, in which they state that they have some doubt as to whether the Fleet Corporation can furnish them with the exact type of ships that they desire.

Mr. DUPRÉ. The gentleman evidently did not quite catch my inquiry. It was not so much the objections that were lodged against the proposition by the Department of Commerce and the Lighthouse Service, but as to what the Shipping Board had to say on the subject. Have they ships in process of construction now, or have they contracted for ships, subject to be constructed hereafter, that would be adaptable to this purpose and could be spared from other needs of the Government and assigned to this service?

Mr. BYRNES of South Carolina. They have 2,538 ships now, either building or under contract to be built, and the opinion of the committee, after talking with representatives of the Fleet Corporation, was that some of those ships can be adapted to the uses of the Lighthouse Service. The economical thing to do is to complete those contracts and have the Fleet Corporation build those vessels in accordance with the requirements of the service.

Mr. DUPRÉ. I do not want to have a water haul after this thing is enacted into law and be told by the Shipping Board or the Emergency Fleet Corporation that they can not carry out the authorization and direction of this Congress in this regard, and it does not seem to me quite fair that the Committee on Appropriations should have brought in a provision of this kind unless they are prepared to tell gentlemen on this floor interested in these particular items that in their honest judgment this authorization can be carried out and will be.

Mr. BYRNES of South Carolina. I have some hesitation in saying that they can assure the gentleman exactly what he desires. They may not furnish them to entirely suit the wishes of the Lighthouse Service, because our experience is that no department of the Government will ever agree to accept anything that has been contracted for by another department. The departments in a great many instances are not on speaking terms with each other; but there is not any doubt in the opinion of the members of this committee but that the Fleet Corporation can build, under the contracts they have, ships that will be suitable for the Lighthouse Service. I think the gentleman will be of the opinion that they are suitable.

Mr. DUPRÉ. I have no particular interest in the conflict between the departments, or as to whether certain old ladies and gentlemen are not on speaking terms with each other. [Laughter.] What I want to find out is whether something substantial will come from this, or whether this will be simply a "scrap of paper."

Mr. BYRNES of South Carolina. I can tell the gentleman that something is very likely to come from this. The Fleet

Corporation is building these ships, and it is directed to build them.

Mr. DUPRÉ. Are they required to assign those ships to the Department of Commerce?

Mr. BYRNES of South Carolina. They are.

Mr. DYER. Mr. Chairman, I ask to be recognized in opposition to the pro forma amendment. I want to ask the gentleman in charge of the bill a question. I do not care to take the time of the committee, but will the gentleman advise us how far he expects to have the bill read to-night?

Mr. BYRNES of South Carolina. We have only 30 or 40 pages yet to read, and we expect to complete the bill to-night and send it to the Senate. After it passes the House, if the Senate does not want to pass it, they can do what they please with it.

Mr. DYER. The gentleman anticipates that there will be some considerable debate on this bill, does he not?

Mr. BYRNES of South Carolina. No; I do not anticipate that there will be considerable debate.

Mr. DYER. If the gentleman does not expect to get through to-night, I hope he will advise us to that effect, for the reason that we should not be kept here late. Some of us were kept here quite late last night.

Mr. BYRNES of South Carolina. I think we can get through with it in the course of an hour or so.

Mr. MANN. I hope gentlemen will stay here until this bill is passed. If the House is to consider a contested election case to-morrow, this bill ought to be considered until it is out of the way.

Mr. BYRNES of South Carolina. I intend to demand a call of the House in case it should be necessary.

Mr. MANN. Yes; send out the Sergeant at Arms and bring in absent Members. This is one night when Members ought to be here to do business, and if they are not here to do business they should be sent for.

Mr. BYRNES of South Carolina. That is my view and that is my purpose.

Mr. DYER. Mr. Chairman, the American soldiers, sailors, and marines in the War with Germany have again demonstrated their ability to meet all comers. Those sent to France and those ready to go were as fine a body of men as was ever furnished by any country. These men met in France those from every portion of the world, and they proved themselves equal to any in spirit, enthusiasm, pluck, and intelligence. This was so of our soldiers regardless of color or nationality.

At this time I desire to say a word with reference to the colored soldier. From all the reports received from France it is evident that these soldiers have equaled any. They performed heroic feats and earned and received the commendation of the commanding officers of the American Army, as well as those of the French Army. Hundreds and hundreds of the colored soldiers have been singled out for special distinction. In some cases whole regiments, battalions, and companies have been likewise honored. The records of the War Department, from reports received from France, confirm these statements fully and completely. I can only take the time to mention a few of them, but the colored soldiers as a whole have shown the highest degree of patriotic service in this war. I will cite some of these evidences:

Distinguished-service crosses have been awarded by the commanding general, American Expeditionary Forces, for extraordinary heroism in action in France to the following-named colored officers and enlisted men:

Charles G. Young, first lieutenant, Three hundred and sixty-eighth Infantry. For extraordinary heroism in action near Binarville, France, September 27 and 28, 1918. While in command of a scout platoon he was twice severely wounded from shell fire, but refused medical attention and remained with his men, helping to dress their wounds and to evacuate his own wounded during the entire night, and holding firmly his exposed position covering the right flank of his battalion.

Harvey W. Wilson, second lieutenant, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28-29, 1918. After being hit by a shell splinter he continued to lead his platoon against the enemy position until he was again hit by another shell fragment and had to be carried from the field. His example of devotion to duty and his courage inspired the men of the platoon to continue the attack successfully.

Ira M. Payne, sergeant, Company A, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Sechault, France, September 29, 1918. Having found a machine gun hidden in a brush which was causing serious casual-

ties to his company, he crept up, killed the gunners with his rifle, and captured the gun.

Roy A. Brown, sergeant, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Leseaux, France, September 4, 1918. He was a member of a combat group which was attacked by 20 of an enemy raiding party, advancing under a heavy barrage and using liquid fire. The sergeant in charge of the group was killed and several others, including Sergt. Brown, were wounded. Nevertheless this soldier, with three others, fearlessly resisted the enemy until they were driven off.

Clifton Merrimon, corporal, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 27, 1918. He attacked with hand grenades an enemy machine gun which was causing heavy losses to his platoon and succeeded in killing the gunner and putting the gun out of action. He then organized the remainder of the platoon and led them to their positions in the trenches south of Bussy Farm.

Van Horton, corporal, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Leseaux, France, September 4, 1918. During a hostile attack preceded by heavy minnenwerfer barrage, involving the entire front of the battalion, the combat group to which this courageous soldier belonged was attacked by about 20 of the enemy, using liquid fire. The sergeant in charge of the group and four other men having been killed, he fearlessly rushed to receive the attack and the persistency with which he fought resulted in stopping the attack and driving back the enemy.

Lewis Watkins, private, first class, Company A, Three hundred and fiftieth Machine Gun Battalion. For extraordinary heroism in action near Eply, France, November 4, 1918. He accompanied an Infantry patrol, acting as gunner with a heavy machine gun. When a large party of the enemy had worked around the flank of the patrol and was advancing across a road along which the patrol was withdrawing, he went into action with his gun, at a range of less than 100 yards, although the order to withdraw had been given. Displaying exceptional coolness and bravery under heavy rifle and machine-gun fire, he succeeded in dispersing the enemy. He was the last of the patrol to retire.

George Bell, private, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Leseaux, France, September 4, 1918. Although he was severely wounded, he remained at his post and continued to fight a superior enemy force which had attempted to enter our lines, thereby preventing the success of an enemy raid in force.

Alex Hammond, private, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Leseaux, France, September 4, 1918. Although he was severely wounded, he remained at his post and continued to fight a superior force which had attempted to enter our lines, thereby preventing the success of any enemy raid in force.

Bernard Lewis, private, Company A, Three hundred and sixty-eighth Infantry. For extraordinary heroism in action near Binarville, France, September 30, 1918. During an attack on Binarville he volunteered to go down the road that leads into the village to rescue a wounded soldier of his company. To accomplish his mission he was compelled to go under heavy machine-gun and shell fire. In total disregard of personal danger he brought the wounded man safely to our lines.

Clifford Crawford, private, Headquarters Company Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28-29, 1918. He was acting as liaison agent between regimental headquarters and the battalion. Having carried a message through a heavy bombardment to the commander of a battalion which was about to make an attack, he joined the first wave of the attack and dashed into the enemy's trenches. Seeing two of the enemy rush to a dugout, he followed them and brought 10 prisoners from the dugout, killing two who tried to escape.

George Gross, private, Company D, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Sechault, France, September 29, 1918. Although he had been badly gassed, he kept his machine gun in action until he fell beside his gun.

Samuel H. Johns, private, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28, 1918. After several other runners had been killed or wounded, he volunteered to carry a message over fields swept by heavy machine-gun fire and artillery bombardment. He succeeded in delivering the message, but was severely wounded while on the return trip.

Clarence R. Van Allen, private, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in

action near Bussy Farm, France, September 28, 1918. This soldier, unassisted, rushed an enemy machine gun, putting it out of action, and capturing three prisoners.

Other awards have been made, but the above are the only ones that have thus far been published officially in War Department General Orders.

The total number of colored soldiers participating were nearly 400,000, and the number serving abroad in France, Germany, Italy, etc., were over 200,000.

The colored commissioned officers in the service were over 1,200, many of them being college graduates.

Colored men served in all branches of the Military Establishment, including the Cavalry, Infantry, Artillery (Field and Coast), Signal Corps (radio or wireless telegraphy, etc.), Medical Corps, Aviation Corps (ground section), Ambulance and Hospital Corps, sanitary and ammunition trains, stevedore regiments, labor battalions, depot brigades, and engineer regiments.

Colored soldiers fought with especial distinction in France in the forest of Argonne, at Chateau-Thierry, in Belleau Wood, St. Mihiel district, Champagne sector, Metz, Vosges, etc., winning praise from French and American commanders. Colored troops were nearest the Rhine when the armistice was signed.

Entire regiments of colored troops cited for exceptional valor and decorated with the French Croix de Guerre were the Three hundred and sixty-ninth, Three hundred and seventy-first, and Three hundred and seventy-second; groups of officers and men of the Three hundred and sixty-fifth, Three hundred and sixty-sixth, Three hundred and sixty-eighth, and Three hundred and seventieth were likewise decorated.

Many individuals, like Henry Johnson, Needham Roberts, and William Butler were awarded the Croix de Guerre and Distinguished Service Cross, and scores of officers earned promotions in their military units.

The entire first battalion of the Three hundred and sixty-seventh (Buffaloes) Infantry was cited for bravery, and awarded the Croix de Guerre, thus entitling every officer and man in the battalion to wear this distinguished French decoration. This citation was made by the French commission because of the splendid service and bravery shown by this battalion in the last engagements of the war.

In a general order Second Lieut. Nathan O. Goodloe, of the Three hundred and sixty-eighth Machine-Gun Company, was commended for excellent work and meritorious conduct. During the operations in the Forest D'Argonne Lieut. Goodloe was attached to the Third Battalion. During the course of the action it became necessary to reorganize the battalion and withdraw part of it to a secondary position. He carried out the movement under a continual machine-gun fire from the enemy. Gen. Martin said: "Lieut. Goodloe's calm courage set an example that inspired confidence in his men."

Gen. Martin, commander of the Ninety-second Division, also cited for meritorious conduct near Vienne le Chateau Tom Brown, a wagoner, who, as driver of an ammunition wagon, displayed remarkable courage, coolness, and devotion to duty under fire. Brown hauled his wagon even after his horse had been hurled into a ditch by shells and, despite his own painful wounds, worked until he had extricated his horses from the ditch, refusing to quit until he had completed his work, even though covered with blood from a painful wound.

Mr. Chairman, I shall not in these remarks attempt to more than casually refer to the part taken by the colored soldiers in this war. Some time I trust there will be published a complete record of the part that they have taken, and the names of organizations, men, battles, and so forth, fully stated. I am sure that the entire colored population of the United States will have every reason to feel proud of the record that these men have made. Likewise every American citizen, regardless of color, religion, or nationality, should be proud of what they have done to bring about the great victory for the people of the entire universe. The whole citizenship of the United States should know the record that these soldiers have made in France, and I shall be one of those to do everything in my power to publish these facts fully and completely. I hope, too, that as the American people fully realize how heroically the colored soldiers have fought and how bravely they have died to bring freedom to the people of the world that there will be a better feeling toward them in all parts of the United States. Notwithstanding the record of these soldiers in this war an unjust feeling against the race still exists, as is indicated in an editorial recently called to my attention and which was published in a newspaper at Greenwood, Miss., as follows:

Circuit Clerk G. S. Pate informs the Daily Commonwealth that a good many negroes are applying at his office and registering for the purpose of voting in our elections, according to their statements to him.

Our advice to these negroes, and all other negroes who contemplate registering, is that they had better get this idea out of their heads as soon as possible. The negroes are getting along mighty well with the white people of Leflore County, and have been for some time, and they ought to have better sense than to think that they will ever again have the remotest chance of voting in our elections. Such a thing is simply unthinkable, and the sooner these negroes who have registered—and those who contemplate doing so—realize this fact, the better for them. Therefore the thought should be speedily banished from their misguided minds.

A distinguished citizen of our country, recently discussing this and other evidences of the unfair treatment of the colored people, had this to say:

It is one thing to grant in a constitution, and in the forms of law, the fullest recognition of religious freedom, and it is another thing to achieve complete equality of opportunity in the political, social, and business fields of activity unobstructed by traditional religious prejudices.

The laws of our country promise to give equal rights, but how are they observed? The negro under the Constitution is regarded as a citizen, at least when he is to pay taxes and fight for the country's flag, but that ends his opportunity, except the privilege of being lynched from time to time. The equal rights of the smallest nation is to be maintained under the league just consummated abroad, but the equal rights of some of the citizens of the largest Republic in the world is "a mere scrap of paper." Is it a matter of surprise that the red agitators find material for hellish propaganda among the disfranchised, whether white or black? Congress is busy investigating in many directions. Why not stop such cowardly threats as are contained in the above editorial? I am not waving the bloody shirt, but as an American citizen voice my protest against racial or religious persecution and injustice.

Mr. Chairman, I sincerely hope that out of this war and the sacrifices made by the colored people that there will come a wave throughout the land of patriotic fervor on the part of all the people that will demand of those charged with the responsibility of government that the colored people shall receive and that they will have their rights as citizens protected. There ought not to be any need for these people and their white friends petitioning to the Congress of the United States that laws be enacted to give them justice. Yet we are petitioned from time to time to do that which is right and proper in this regard. Recently there came to Congress a petition as follows:

To the Congress of the United States—A memorial:

The board of managers of the Freedmen's Aid Society of the Methodist Episcopal Church hereby earnestly memorializes the Senate and the House of Representatives of the United States to pass a Federal law for the suppression of lynching, we being thoroughly convinced that this brutality can not be hindered by State legislation and as thoroughly convinced that it can be stopped by Federal legislation and the holding of each locality in which lynching occurs to a community responsibility for the doings of its anonymous citizens. We further believe that to-day is the day of days for such legislation, inasmuch as the Negro race, which has been the most frequent object of lynching, has made a record for bravery and efficiency and patriotism on the battle field and at home, so as to make their conduct a righteous demand that the rights belonging to an American citizen shall be accorded them in full measure.

This memorial was unanimously adopted by the board of managers of the Freedmen's Aid Society at its annual meeting, January 14, 1919.

FREDERICK D. LEETE,

First Vice President.

P. J. MAVEETY,

I. GARLAND PENN,

Corresponding Secretaries.

D. LEE ALTMAN,

Recording Secretary.

Attest:

Accompanying this petition is a statement as to what the Freedmen's Aid Society is and who represented it in its petition to Congress. As to this, I find the following to be the facts:

The Freedman's Aid Society of the Methodist Episcopal Church was organized in 1866. Its purpose is the Christian education of the Negro. It has a theological seminary at Atlanta, Ga., for the training of colored ministers; a medical college at Nashville, Tenn., where 500 young men and a few young women are being trained as physicians, pharmacists, dentists, and nurses; and in addition it has 18 other institutions for the training of teachers, industrial, and other Christian leaders for service among the Negro people. These centers of Christian education are open to the people of all denominations or no denomination.

In the 52 years of its work it has sent from these schools ministers, physicians, teachers, and industrial leaders numbering over 200,000. This service has cost more than \$10,000,000. To-day it has 20 schools, 334 teachers, and 5,702 students. The annual budget amounts to over \$500,000.

BOARD OF MANAGERS OF THE FREEDMEN'S AID SOCIETY.

Bishops: William F. Anderson, Cincinnati, Ohio; William A. Quayle, St. Louis, Mo.; Frank M. Bristol, Chattanooga, Tenn.; Francis J. McConnell, Denver, Colo.; Frederick D. Leete, Atlanta, Ga.; Wilbur P. Thirkield, New Orleans, La.; Joseph C. Hartzell, Cincinnati, Ohio.

Ministers: Henry C. Jennings, Albert J. Nast, D. Lee Altman, Herbert Scott, E. C. Wareing, W. H. Wehrly, John H. Race, C. E. Schenk, V. F. Brown, W. B. Slutz, E. R. Overley.

Laymen: R. B. McRary, Charles Hommeyer, E. R. Graham, Lewis N. Gatch, E. C. Harley, C. F. Coffin, C. L. Swain, H. H. Garrison, Harlan C. West, George D. Webb.

Mr. Chairman, in this present Congress I presented a bill (H. R. 11279) for the purpose of protecting citizens of the United States against lynching in default of protection by the States. That bill has not been enacted into law, but I shall present it again in the next Congress and continually as long as I am a

Member of Congress till a law substantially as outlined in this bill is written upon the statute books of the United States. In some of the States colored people are not protected against lynching. State officials and county officials fail in their duty in this respect.

The Congress of the United States must enact a law and see to it that it is enforced and all guilty of participating in or permitting lynching are severely punished. I trust that in the next few months we will see evidences of a better feeling on the part of the people in all parts of the United States toward the colored race. If that comes about, then there will be probably no need for the enactment of a law by Congress touching lynchings; yet during this war and while the colored soldiers have been fighting and dying in France to preserve the honor of the United States, its Government and its people, lynchings have been going on in some sections of this country. These lynchings have practically all been of colored people. I for one shall continue to protest and fight against this unjust treatment accorded to a great portion of our people. I am going to remember the heroism of our colored soldiers in France and of the many who have given up their lives there, and I shall now again resolve, in the words of Lincoln, "that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion; that we here highly resolve that these dead shall not die in vain; that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth." [Applause.]

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Keepers of lighthouses: For salaries of not exceeding 1,800 light-house and fog-signal keepers and laborers attending lights exclusive of post lights, \$1,300,000.

Mr. MASON. Mr. Chairman, I wish the RECORD to show that I am addressing the Chair during this reading.

The Clerk read as follows:

Inspectors, clerks, etc.: For salaries of 17 superintendents of light-houses, and for clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, District of Columbia, \$380,000.

Mr. MASON. Mr. Chairman, at the end of this paragraph I desire to be recognized to make the point of order that no quorum is present.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, \$45,000.

Mr. MASON. Mr. Chairman, I wish the RECORD to show that at the end of this paragraph I addressed the Chair and the Chair declined to recognize me. I have no personal feeling about it, but just simply want the record as it is. Under the rules of the House I suppose I can make a point of no quorum. I want to bring the boys home.

The Clerk read as follows:

Private John Allen Station (Tupelo, Miss.): Superintendent, \$1,500; fish-culturist, \$900; 3 apprentice fish-culturists, at \$600 each; in all, \$4,200.

Mr. MASON. Mr. Chairman, I rise to offer the following amendment to the section just read, page 145, line 3.

The Clerk read as follows:

For salaries of officers and crews of the steamers *Halcyon* and *Phalarope*, \$17,700.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 146, strike out the language in lines 6 and 7 and insert in lieu thereof the following:

"Steamer *Halcyon*: Master, \$1,700; first officer, \$1,200; engineer, \$1,400; assistant engineer, \$1,200; 3 firemen at \$780 each; 3 seamen at \$810 each; cook, \$870; cabin boy, \$600; in all, \$11,740.
"Steamer *Phalarope*: Master, \$1,500; engineer, \$1,200; fireman, \$780; 2 seamen at \$810 each; cook, \$870; in all, \$5,970."

Mr. BYRNES of South Carolina. Reserving the point of order, the amendment does not propose to increase the amount?

Mr. WALSH. Mr. Chairman, I do not think the amendment is subject to a point of order, but I will say that it corresponds exactly to the estimates submitted by the department.

Mr. BYRNES of South Carolina. I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. MASON. Will the gentleman yield for a question?

Mr. WALSH. I will yield for a question.

Mr. MASON. I want to know if you wish to proceed without a quorum? I have made the point of order that there is no quorum present, and it is perfectly apparent that there is no quorum. I want to ask whether you expect the law would be constitutional and binding in this country without a quorum, when I have made the point of no quorum, and when I am not recognized to make the point of no quorum?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, \$125,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word to ask why this item has been increased?

Mr. BYRNES of South Carolina. There is an increase there because of the increased cost of supplies, food, fuel, and clothing. For this year they had \$144,700, including the sundry civil appropriation and a deficiency appropriation, and the amount here is \$125,000.

Mr. MONDELL. Mr. Chairman, I want to delay the committee only a moment. This item brings to my mind a practice which curiously illustrates some of the methods of the governmental departments. The Pribilof Islands, the home of the fur-seal herd, lie up in the Bering Sea, one of the most exposed regions in the world, up yonder inside the Arctic Circle. In the care of the seals and the preparation of the skins it is necessary to employ quite a considerable number of natives. There is quite a settlement of natives on the islands. It is necessary, that they have houses, and we have been putting up houses for those natives, up on those bleak, wind-swept, icy coasts. What kind of houses do you suppose? Well, they are not exactly, pasteboard houses. They are the next thing to it. They are these cheap, knocked-down, put-up-with-a-hammer houses that are made in Kalamazoo and Oshkosh and shipped up there in sections and put together. If one can conceive anything more extraordinary and incongruous than that sort of construction in that sort of a country, they must be possessed of a very lively imagination.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. WALSH. What kind of houses do the natives build for themselves?

Mr. MONDELL. Well, I do not know that they are building much in the way of houses for themselves since we got in the habit of building these flimsy shacks for them. Naturally, they have lost the art and the habit of building for themselves. I have been asking this service for a number of years to study the original house construction of the natives, and the house construction of Iceland, and the Shetlands, and Spitzbergen, and regions similar to these, and the cheap grout construction of the Northwest, where houses are built easily with ordinary labor, something that the natives can build and repair and keep in order. I trust they will build no more of these flimsy structures, and I have some hope—just a little hope—that we may eventually stir up the initiative of the bureau and get them to doing something practical up there in the Arctic in the way of house construction.

The idea in a section like that of building ready-to-erect houses in Oshkosh and shipping them across the continent, taking them up through the icy seas, unloading them onto barges in the wind-swept and tempestuous water, carrying them ashore—of course, they break—and putting them together, the slimmest things in the world, intended for camp purposes. They were never expected to be used as permanent habitations for man in a tempestuous climate. But some one connected with the service found that was the easiest way to buy a house, as you buy a pound of tea, and have it ready-made, take it up there and put it up.

Mr. LOBECK. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LOBECK. How long has this thing been going on?

Mr. MONDELL. For a number of years. I have been trying, in my feeble way, for a long time to wake up this bureau

to the utter folly and futility of that kind of construction. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Testing of large scales: For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post-office, navy-yard, and customhouse scales, and for the purpose of cooperating with the States in securing uniformity in the weights and measures laws and in the methods of inspection, including personal services in the District of Columbia and in the field, \$40,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent to return to line 4, page 149, to insert an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 149, line 4, after the word "and," insert the word "made."

The amendment was agreed to.

The Clerk read as follows:

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and May 9, 1918 (Stat. L., vol. 40, pp. 542 to 548, inclusive), including personal services in the District of Columbia, and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed \$5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat., p. 600), as amended by the act approved June 25, 1910 (36 Stat. L., p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and for mileage and fees to witnesses subpoenaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, \$350,000.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I move to strike out the figures "\$350,000" and insert "\$675,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Pennsylvania: Page 152, line 16, strike out "\$350,000" and insert "\$675,000."

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, the work being done by this Bureau of Naturalization is of vital importance at this particular time. This money does not come out of the taxpayers of the country. They have paid into the Treasury by the head tax \$750,000 in excess of the amount necessary to take care of the service. We asked that this be made \$675,000 in order that this good work may be carried on. In cities where there is a large foreign population it is of the utmost importance to Americanize these new citizens. The cities throughout the country are giving schoolrooms, and the Government is furnishing free textbooks. At this time it is of great importance to offset the work of the propaganda that has a tendency toward socialism and bolshevism, and I appeal to you to accept this amendment, as it is not money to come out of the taxpayers.

I ask that you adopt this amendment to enable this department to continue the work it has already started. In the city of Pittsburgh and other cities it is doing a wonderfully good work.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. LaGUARDIA. What type of men are employed for this kind of work?

Mr. CAMPBELL of Pennsylvania. Men that are naturalized and speak the language of those that we want to reach.

Mr. LaGUARDIA. Is it not a fact that the employees of the bureau assume an arrogant attitude toward these people?

Mr. CAMPBELL of Pennsylvania. It may be, but not in this case.

Mr. LaGUARDIA. I am talking about the Bureau of Naturalization. Does not Mr. CAMPBELL feel it his duty to prevent people from being naturalized rather than assist them in being naturalized?

Mr. CAMPBELL of Pennsylvania. Does the gentleman mean me?

Mr. LaGUARDIA. No; I am talking about the Chief of the Naturalization Bureau.

Mr. CAMPBELL of Pennsylvania. I think not.

Mr. LaGUARDIA. The gentleman said that textbooks were furnished to the schools. Does the gentleman have any such schools conducted in his city?

Mr. CAMPBELL of Pennsylvania. There are.

Mr. LaGUARDIA. By the Bureau of Naturalization?

Mr. CAMPBELL of Pennsylvania. There are schools conducted there by voluntary subscription.

Mr. LaGUARDIA. But not by the Bureau of Naturalization. The gentleman said the purpose of the bureau was to keep down bolshevism and socialism. Is the gentleman aware that that is what they are not doing? A man who is a Bolshevik goes there and kids these people who want to become citizens and want to remain here.

Mr. CAMPBELL of Pennsylvania. The object of the bureau is to make American citizens of them.

Mr. LaGUARDIA. But that is just what they do not do.

Mr. CAMPBELL of Pennsylvania. In the district I have the honor to represent there are upward of 35 nationalities, and they are all eager and anxious to become Americanized, eager to be taught; even men 50 years old are going to school.

Mr. LaGUARDIA. I am not discussing the schools.

Mr. FARR. Are the schools not conducted under the authority of the school superintendent?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. MONDELL. Does the gentleman from Pennsylvania understand that these schools could be conducted under this appropriation?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. MONDELL. The gentleman is mistaken.

Mr. CAMPBELL of Pennsylvania. Why not, if they have the money to pay for it?

Mr. MONDELL. There is no authority of law for it. If they had all the money in the world, they could do nothing of the sort.

Mr. CAMPBELL of Pennsylvania. I am only asking for an increase in the appropriation.

Mr. MONDELL. If they had an increase they could not conduct schools with it.

Mr. CAMPBELL of Pennsylvania. They could carry on the work as provided in the law.

Mr. MONDELL. There is no such thing as providing schools carried in the law.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. PLATT. There is a bill now before the Committee on Education which provides for Americanizing foreigners and taking care of that very thing, but this item does not provide for anything of the kind; and if you increase the appropriation, it would not do any good.

Mr. CAMPBELL of Pennsylvania. They have been doing this very work.

Mr. PLATT. Oh, no.

Mr. CAMPBELL of Pennsylvania. And Mr. Lane asked for \$7,500,000 to conduct this very work.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, the gentleman from Pennsylvania [Mr. CAMPBELL] is misinformed as to the character of work done under this appropriation. Many of the things that he has referred to may be most desirable, but as the gentleman from Pennsylvania [Mr. FARR] said, the schools to which he has referred are being paid for by the State of Pennsylvania. Under this appropriation not only is a school not conducted, but none of the textbooks to which the gentleman has referred are paid for out of the funds.

Mr. CAMPBELL of Pennsylvania. I grant the gentleman that the textbooks are furnished out of another fund, but this is to conduct the work.

Mr. BYRNES of South Carolina. What work?

Mr. CAMPBELL of Pennsylvania. To pay these men that go around who are employed by the Bureau of Naturalization.

Mr. BYRNES of South Carolina. Mr. Chairman, this fund is used for no purpose other than to pay examiners. We have always had a force of examiners. Heretofore the appropriation was \$275,000. On May 9, 1918, Congress passed an act having for its purpose the naturalization of the soldiers in the cantonments of the country. The Senate included an appropriation of \$400,000.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Not now. That \$400,000 made \$675,000 altogether. With the \$675,000 the Naturalization Service proceeded to employ examiners.

And before the armistice was signed the estimate was submitted for \$675,000, for which the gentleman now asks. The

armistice came. The naturalization examiners were taken from the cantonments, and they are now on the hands of the Bureau of Naturalization, which is striving to find some job to keep these examiners, who traveled around the country to these camps, on the pay roll. The number of examiners who visited these camps run away up—more than 100. They received good salaries. The gentleman who is in charge of this work was asked the specific question by me as to what he proposed to do with them. He said that they were very good men, who wanted to stay in the work, and therefore he thought he would keep them and put them on this regular work. In no way can it be said that they contribute to the work the gentleman has in mind of educating those who desired naturalization, except in this.

He says that when an examiner goes to a man who is an applicant for citizenship he impresses upon him the wisdom of being a citizen. There is no earthly reason why the examiner who goes to him originally with regard to his naturalization can not advise him to become a citizen just as easily as a man who was on the pay rolls last year and whose duty it was to be sent on another trip to visit him and say, "I want to advise you to become a citizen." These men are examiners. Not one dollar is spent out of this fund except for examiners. The gentlemen who are the members of the committee endeavored to get information from the head of this service, and after they had vainly spent three or four hours endeavoring to get an account of the exact amount spent under the original appropriation of \$275,000, and what was proposed to be done with the \$400,000 that was asked for, we all came to the conclusion that we could not get any information.

The gentleman was asked to revise his remarks, and as they appear in the hearings they defy analysis, and the only conclusion that you can reach is that the \$400,000 was lumped with the \$275,000, and now that he has these gentlemen in the service he desires to keep them, as he says in the hearings. I yield to the gentleman from Pennsylvania.

Mr. CAMPBELL of Pennsylvania. Will not the gentleman admit that there were naturalized 167,000 aliens in our Army camps?

Mr. BYRNES of South Carolina. There were.

Mr. CAMPBELL of Pennsylvania. And the purpose is to Americanize them?

Mr. BYRNES of South Carolina. Oh, no; that work is finished, and the gentleman who has charge of finishing it says so.

Mr. CAMPBELL of Pennsylvania. Many of them could not speak the English language clearly when they went to camp.

Mr. LA GUARDIA. They fought in our Army.

Mr. CAMPBELL of Pennsylvania. Yes; and they are entitled to be instructed in Americanism.

Mr. BYRNES of South Carolina. And they are.

Mr. CAMPBELL of Pennsylvania. You make no provision for that.

Mr. BYRNES of South Carolina. The gentleman can not make provision out of this fund to establish schools. You would have to have legislation authorizing the establishment of schools.

Mr. CAMPBELL of Pennsylvania. The Congress has given the Bureau of Naturalization authority to promote the training of these foreigners by the public schools of the country.

Mr. BYRNES of South Carolina. The public schools of the country are training them. There is not any reason here for any man to argue that a dollar of this fund is to be expended in schools, because it can not be expended there. There is no reason for any arguments other than this, that with the \$75,000 additional appropriation given in this bill they can communicate with any man who is an applicant for citizenship and advise him of the benefits of citizenship, and of learning the English language and becoming a citizen, and we have given them \$75,000 more this year than they had for any previous year because we believe in encouraging the work, but none of the many desirable things urged by the gentlemen are possible here.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WELTY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I am indeed amazed at the statement of the gentleman who has charge of this bill, because of the lack of knowledge that he seems to possess in the matter of work of the bureau of naturalization. The head of this bureau appeared, as the evidence will show, before the committee and showed how this money was spent. Last year there was appropriated for this bureau \$275,000, and because of the exigencies of war \$400,000 additional was allowed to procure additional help for the purpose of naturalizing aliens who enlisted in our Army. It is estimated that we have about 12,000,000 aliens in

the United States. The number of registrants between the ages of 21 and 31 years was 1,703,006. Those who registered on the 12th of September, 1918, numbered 2,174,072, making a total of aliens who registered for our Army of 5,214,050, while the number of aliens and citizens registered was 23,908,576, thus making 21.9 per cent of all of those who registered as aliens and naturalized persons. Seven hundred and fifty thousand of those aliens who registered had no knowledge of the English language. Now, then, what has been done with this fund? On May 9, last year, the Congress passed an act permitting citizenship to every alien who had taken out his first papers and who enlisted under our banner. Many of those soldiers could not understand the commands of their own officers. They did not know what "fours right" or "fours left" meant. They did not know what it meant when the officers said "Forward, march."

Mr. LA GUARDIA. They did pretty well in France, though, under those commands.

Mr. WELTY. Certainly, they did well in France, and I am not saying anything against these men who fought so nobly in France. Certainly, they did; but shall it be said that this Nation is so stingy, so small, as not to provide for an agency whereby they can be furnished books and literature and permitted to learn the English language and thus be able to convey their feelings to us who can not understand their language?

Mr. LA GUARDIA. This will not do it.

Mr. WELTY. This will not do it; what will do it? By permitting the alien to drift?

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. We do it in the city of New York at our own expense.

Mr. WELTY. Most assuredly; but you have agencies having men go around and find just where they are and offer opportunity to learn the basic principles of our country. The aliens will not go to your public schools. They will not go there, because they are too old. They must have separate night schools.

Mr. LA GUARDIA. We do that in New York.

Mr. WELTY. I am asking for a small sum to stimulate the public schools to greater activity. You go to one locality in New York and often wonder whether you are in Bohemia, Russia, or Poland. You go to another section, and you wonder whether you are in Italy.

Mr. LA GUARDIA. Certainly, because the Italians brought some of their country's culture there.

Mr. WELTY. It is not American culture. What we want is to teach these aliens American ideals and let them know what those American ideals mean and that the same is distinctly American.

Mr. LA GUARDIA. They were all imported, were they not?

Mr. WELTY. Certainly; they were all immigrants. They came to our land because there was something here which they could not get where they came from. I believe that most of them were attracted to our shores because of the customs, laws, and institutions of our country. Some, I am sorry to note, came here for no other purpose than to exploit our resources, get some money, with a hope that some day they can return and live on that money earned here with greater ease than in the land from whence they came. This class of citizens should not be permitted to remain in this country. They care nothing for our country, and its ideals. Most of them care very little for the comforts of home life in America. They do not bring their families, but expect to live cheaply here, content to occupy poor quarters, with a hope of getting rich quick and return after they have earned enough to keep them the balance of their lives.

Mr. Chairman, for years we have permitted the scum and every grade of criminals in Europe to find an asylum here with those who came here because they were sick and tired of autocracy and its handicaps to the toiling. I am inclined to believe that the gentleman from New York [Mr. LA GUARDIA] does not understand the meaning and force of the proposed amendment of the gentleman from Pennsylvania [Mr. CAMPBELL]. The money appropriated by Congress for the Bureau of Naturalization is not used to deport objectionable aliens, for the jurisdiction of deportation rests under our laws with the Commissioner of Immigration. It was not the Commissioner of Naturalization who deported the bunch of I. W. W.'s who denounced this country and its Constitution in such language as not to permit its repetition here.

I know some of these immigration officers do make mistakes at times, but I do not think they make a mistake when they take by the nape of the neck every I. W. W. and Bolshevik and boot him across the sea from where he came.

Mr. Chairman, what the Bureau of Naturalization attempts to do is to build a fire under the "melting pot in America" and teach these aliens the basic principles so that they might

float off into American citizenship and lose their foreign identity by mingling with those possessing a common language and owe allegiance only to the Stars and Stripes.

And, sirs, we are asking only for a sum of money out of the surplus collected from these aliens. Not one cent comes from the taxpayers. Since the declaration of war the Bureau of Naturalization has been exceedingly busy because of the act of May 9, 1918, providing for the naturalization of all aliens who had taken out their first papers upon entering the Army. Between the 1st day of October, 1917, and September, 1918, 176,816 drafted soldiers were naturalized, while 150,246 alien soldiers became citizens since the passage of the act. This required additional help not only in the field but in the office force as well. Now, these soldiers can not read and write the English language. They will not go to school with children 7 and 8 years old. If you are not going to provide educational facilities for the alien population, are we justified in permitting these soldiers who fought to protect our country and homes from drifting? Should we not encourage night schools for them?

We hear a great deal about vocational training. Every wounded or sick soldier with a hospital record is entitled to the benefits of an education. Every alien soldier who was sent to the hospital will receive the benefit of this education. They learn to read and write and are taught a useful occupation, but shall we neglect those who were not sent to the hospital, especially when the appropriation of this amount is only out of the surplus of the amount the Government collected from these aliens? Gentlemen, we can not in good conscience collect this tax off of these aliens unless we mean to use the funds so collected for their benefit.

Mr. Chairman, the present bill carries \$2,000,000 for vocational training.

At first the bill carried a million and a half, but the gentleman from Alabama [Mr. BANKHEAD] offered an amendment to increase that to \$3,000,000 and was strongly supported by my friend from Ohio [Mr. FESS], all this vast sum to be spent for vocational training alone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELTY. I ask unanimous consent to proceed for five minutes.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I ask that the gentleman be given five additional minutes.

Mr. SHERLEY. Mr. Chairman, let us see if we can have an agreement for debate on this matter. I ask unanimous consent that all debate on this paragraph and amendments to the paragraph end in 15 minutes.

Mr. SIEGEL. I desire five minutes.

Mr. SHERLEY. I expect to take five minutes.

Mr. MONDELL. I would like to have three minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. WELTY. Not now. I do not want to be discourteous, but I wish you would wait until I finish what I am about to develop. Now, I am in favor of the reeducation of these men who are wounded and in doing everything we can, but, as was said on the floor of the House, every college and State institution is not only willing but anxious to furnish education to these young soldiers, and it will not cost the Government one cent for their education, save and except their subsistence, quarters, and medical aid. These colleges are the proper places to send these boys. They want to return home. God knows that many a heart is aching to return to the old homestead. Return these boys to their respective States to be educated in their respective State schools. The hospital is no place to reeducate our boys. Restore them to health and then discharge them from the hospital as soon as possible.

But we have appropriated \$2,000,000 for vocational training. Oh, out here at the Walter Reed Hospital, for instance, what do we find? A printing press that cost, I understand, \$13,000, to teach those boys how to print and instruct them in the art of printing. Buildings after buildings are erected and expensive equipment installed, and yet between 60 and 70 per cent of those boys have not passed further than the eighth grade. I understand there is a wireless apparatus out there with which last week they were able to pick up a message between Berlin and London. We have a greenhouse there, where they attempt to grow vegetables and flowers for the sick in this hospital. You go through that greenhouse and you will find they raise the finest of vegetables and flowers for these boys. It is right that money should be appropriated for that purpose, but when you go to the

books and find out where these vegetables and flowers have gone you will then realize that three-fourths of them have gone to the colonels and the majors and the captains and the lieutenants, probably that those officers might serve the poor patients more efficiently. Are we going to spend all this money for these purposes? Are we going to coordinate in this vocational training?

Mr. FESS. Will the gentleman yield?

Mr. WELTY. Yes.

Mr. FESS. Reverting to the colleges willing to do this work, my colleague will recognize the Government must pay for the expense of subsistence.

Mr. WELTY. Oh, yes; and that is not all. They pay for quarters and for medical aid and for subsistence. That is not very much. That does not cost very much, as the gentleman from Ohio knows, because he used to be a teacher—

Mr. FESS. The plan of the vocational board was to utilize all these existing institutions without the Government creating any new ones.

Mr. WELTY. That is all right if they are doing that. But why are they spending these large sums of money here at the hospitals? It seems that we are going wild in some of our appropriations and forget that these colleges are better equipped to educate the soldiers than any agency the Government can create.

Mr. FESS. A hospital is for the primary work before the training can begin, and now the boys are about to go out from the hospitals, where the training is increasing very rapidly.

Mr. WELTY. In passing, let me say that I do not want to reflect on the Surgeon General's office. It is impossible to keep selfishness out of the Army. I feel sure that Gen. Ireland will speedily correct any abuses that may be called to his attention. Too much praise can not be given to the work of this department, especially when we compare the unhealthy conditions of the camps and the sickness during the Spanish-American War and the work done by the Medical Department in this war. No soldiers received better medical treatment than did the American soldiers during this war. I am simply calling this matter to the attention of the House because we are apt to overlook the fact that our State schools will take care of these boys if we will only permit them to do so.

Mr. BLANTON. Will the gentleman from Ohio yield for a moment?

Mr. WELTY. Yes.

Mr. BLANTON. Is the gentleman aware of the fact that the Committee on Education is expecting to-night to favorably report what is known as the Americanization bill, which is legislation that will bring about what the gentleman from Pennsylvania [Mr. CAMPBELL] and the gentleman from Ohio [Mr. WELTY] wish?

Mr. WELTY. Most assuredly. That is what they are going to try to do; and that is the trouble with our Federal Government. It is attempting to control every agency rightly belonging to our States. I do hope that the time will never come when the control of our schools is transferred from the several States to the Federal Government. God knows that the Federal Government is controlling too much now. The tendency is to destroy not only the initiative of every individual but to deprive our States of their sovereignty and reduce them to townships and counties. If this fund is appropriated, it will not be used to start schools, but to furnish books and literature to be used in night schools under the direction of the local boards of education.

We do not need any more new agencies. We have enough bureaus. It keeps a Member of Congress busy trying to learn where they can be found.

The proper channel to teach these aliens American ideals is through the Bureau of Naturalization. That is why this bureau was organized. Then why should the Department of Education assume this duty when all can be accomplished by the naturalization officers through the medium of the common schools?

Remember this, gentlemen, that the 176,816 soldiers naturalized under the act passed by Congress are not the only aliens in our Army. It is estimated that 50,000 aliens in the country joined the independent forces. The Czech, Slovak, Bohemian, and Polish aliens in America formed an independent army because they could not understand our officers. All these are returning, and it is high time that we knew their spirit; and we should remember that we are unable to know it, when they come back, unless we have a common language. These all fought for the American ideals, and yet they are unable to convey that ideal to us in a language we can understand. We believe alike, think alike, and we act alike, and yet we do not

know our kindred spirits. Gen. Crowder in his report has this to say about these aliens:

The great and inspiring revelation here has been that men of foreign and of native origin alike responded to the call to arms with a patriotic devotion that confounded the cynical plans of our arch enemy and surpassed our own highest expectations. No man can peruse the muster roll of one of our camps, or the casualty list from a battle field in France, without realizing that America has fulfilled one of its highest missions in breeding a spirit of common loyalty among all those who have shared the blessings of life on its free soil. No need to speculate how it has come about; the great fact is demonstrated that America makes Americans. In the diary of a German officer, found on the battle field, the following sentence, penned by one of the enemy whom these men went out to fight, speaks volumes: "Only a few of the troops are of pure American origin; the majority are of German, Dutch and Italian parentage. But these semi-Americans—almost all of whom were born in America and never have been in Europe—fully feel themselves to be true-born sons of their country."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WELTY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WELTY. We hear so much of America being the "melting pot of the world." A judge, in his charge to the jury, aptly said:

We find all over these United States, in groups, little Germanies, little Italies, little Austrias, little Norways, little Russias. These foreign people have thrown a circle about themselves, and, instead of keeping the oath they took that they would try to grow American souls inside of them, they have studiously striven to exclude everything American and to cherish everything foreign. A clever gentleman wrote a romance called "America, the Melting Pot." It appealed to our vanity, and through all these years we have been seeing romance instead of fact. That is the awful truth. The figure of my country stands beside you to-day. It says to me, "Do not blame this man alone. I am partly to blame. Teach him, and the like of him, and all those who have been misled by him and his like that a change has come."

There must be an interpretation anew of the oath of allegiance. It has been in the past nothing but a formula of words. From this time on it must be translated into living characters incarnate in the life of every foreigner who has his dwelling place in our midst. If they have been cherishing foreign history, foreign ideals, foreign loyalty, it must be stopped, and they must begin at once, all over again, to cherish American thought, American history, American ideals. That means something that is to be done in your daily life. It does not mean simply that you will not take up arms against the United States. It goes deeper far than that. It means that you will live for the United States, and that you will cherish and grow American souls inside of you.

The Bureau of Naturalization is the proper agency to lead these men to this new light. They have been furnishing the textbooks and literature for use in the common schools without any expense to the taxpayer. These aliens have paid it all—not one dollar comes from the taxpayers. This money has been collected from the aliens and there is a surplus in the Treasury of \$754,415.21. Should we not use this money to educate these soldiers who can not read and write the English language? Will we help them or suppress them? It is their country just as much as it is our country, for they fought to preserve its institutions. I hope that the amendment will carry.

Some time ago I introduced a bill requiring every alien to register and pay an annual fee during his alienage, which bill, I believe, will be favorably reported by the Committee on Immigration; but I can not support even my own bill if the money so collected will not be used to teach these aliens American ideals so that we might better understand them and that they might receive the benefits of a knowledge of the basic principles of our Government.

The American laborer must receive sufficient pay to live and rear his family in pleasant surroundings, and out of his surplus earnings pay for a home which he should own. He can not do this in competition with cheap laborers who are content to live in dirt and filth. The foreigner must realize that American citizenship has advantages which he desires. We can not throw citizenship on him. He would not appreciate the same. He must win that citizenship himself, and the only way he can do it is by possessing a knowledge of our language, customs, and institutions, and being taught to live in a home where his children can be reared to become equals to every American. I do hope that the amendment will carry.

Mr. SIEGEL. Mr. Chairman, I exceedingly regret that what is a most important matter has temporarily descended into a dispute between the gentleman from Ohio [Mr. WELTY] and my colleague [Mr. LaGUARDIA] as to the place or places from where the population of this country came. The work these examiners in naturalization have been doing has consisted of examining the declarations made by would-be citizens. At the present time there are 46,000 of such declarations that have been unexamined for months. They have had to appear before the various judges where naturalization courts are held for the purpose of examining the applicant and his witnesses. Now, the truth of the mat-

ter is, we are short of examiners; and I believe that if the members of the Appropriations Committee had seen the shortage of examiners in the city of New York, for example, where applicants for naturalization have to stand in line and to wait day in and day out for the purpose of becoming naturalized, they would not have proceeded to cut down the amount which is actually required.

Now, it is true that these same examiners have done a certain amount of Americanization work, and it is true that considerable credit is due to Mr. Crist for having started that work. But these examiners are needed for other purposes. They are needed because in this country to-day there are 11,000,000 people who have not been naturalized, and it is useless to yell from one end of the country to the other for them to get naturalized and expect the applicant to stand day in and day out for the purpose of being naturalized, dragging witnesses down to the court repeatedly, standing in long lines in the post-office building, and then expect men to become American citizens at a great, unnecessary loss of time and money to them and their witnesses.

Mr. FESS. Will the gentleman yield to a question?

Mr. SIEGEL. I will.

Mr. FESS. We passed a bill providing for the naturalization by wholesale of those who had gone already in the Army.

Mr. SIEGEL. That is correct.

Mr. FESS. But provided that it could be done in the camps where an officer of the court could go and do it. Do we have any information as to how many of those have been naturalized?

Mr. SIEGEL. I think something more than 179,000 have been naturalized, which is a large number. The court went to the camps and these examiners went down there. While that was going on naturalization ceased, practically, in the other parts of the country.

Mr. WELTY. It is 179,116 that were actually naturalized in the camps.

Mr. FESS. What proportion will that make of our entire alien soldier activity? That is, were a very large proportion of them naturalized?

Mr. SIEGEL. I will say this, it is known now that at least 200,000 and some odd who could have claimed exemption waived exemption and went into the service to fight for us and many of them have received the distinguished service cross.

There are over 10,000 applications of aliens for citizenship which have arrived from the other side, and the final papers have not been granted. Those papers are still lying around and are yet to be examined.

Mr. FESS. The law was justified, then?

Mr. SIEGEL. Yes; it was more than justified. It was justified by urgent necessity and it was justified by international law. If they had been captured on the other side, they could have been executed.

I urge the appropriation for this reason, because every dollar has come from the people naturalized. Not a single cent comes out of the Treasury of the United States. Over \$750,000 was received during the last fiscal year, and the total amount that we ask for all the expenses, including office rent and including nine or ten thousand dollars for the blank paper on which these certificates are issued, is a total of \$675,000.

Now, I do not know how many Members of the House have watched the process of naturalization actually going on. I have watched it step by step in New York. One of my colleagues from Ohio was with me a week ago; and I tell you, gentlemen, that every dollar appropriated brings more than 100 per cent in returns. We should do all we can to help men become real American citizens in this case. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MONDELL. Mr. Chairman, I want to be recognized for three minutes, if I may.

Mr. Chairman, the item under consideration has been increased over the appropriation for the current year by some \$75,000, and that in spite of the fact that a very considerable amount of the activities undertaken in the current year will be completed and will not be carried on in the next fiscal year.

It is true that we have a great many aliens in this country, and it is true that a great many of them need education in English. But it is also true that, without regard to the size of this appropriation, no dollar of it could be properly expended for the purpose of educating aliens. There has been quite a sentiment in favor of the Federal Government doing this work, but it can not be done under this appropriation.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield, although I have only three minutes.

Mr. WELTY. Can not this fund be used for the purpose of sending the books and the literature to the schools?

Mr. MONDELL. No part of this fund is used for sending out books. There is a separate and distinct fund for the purpose of sending textbooks out, and not a dollar of this fund is used for that purpose. What gentlemen want to use it for is "to send men around." That is the theory. There have been a lot of men employed in this service in one place and another, going around and talking to the folks, and they want to continue the employment of these gentlemen going around and talking to people—

Mr. WELTY. Making arrangements with schools.

Mr. MONDELL. There is no provision in the law under which this appropriation can be used for the purpose of "sending men around," and there is no reason why we should pay money out of the Federal Treasury for the purpose of "sending men around." [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SHERLEY. Mr. Chairman, I desire to say only a word. The Committee on Appropriations is compelled to rely upon the showing made by the departments, and whenever a department can not show what it is going to do with money you can bet, to use a slang expression, nobody else can, because they have developed an ingenuity and a skill in the way of finding reasons for appropriating public money that is beyond anything dreamed of.

Now, the gentleman from South Carolina [Mr. BYRNES] and the gentleman from Wyoming [Mr. MONDELL] exhausted a great deal of energy in trying to get from Mr. Crist, who came representing these items, something to show why he needed any more money than what the committee had indicated.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. No; I have only two minutes. The very best they could do was to get out of him a statement by which he accounted for \$280,000 and for \$95,100. If you add these two sums together, you will get \$375,100. The committee cut it \$25,000, and that, judging by my experience of a good many years in department estimates, was a very conservative cut. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. CAMPBELL].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. CAMPBELL of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, yeas 33.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. WATKINS. Mr. Chairman, unless the Committee on Labor have an amendment to offer, I would like to offer an amendment here.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 152, after line 17, insert as a new paragraph the following:

"United States Employment Service: To enable the Secretary of Labor to continue the United States Employment Service during the fiscal year ending June 30, 1920, \$10,033,080.10, or so much thereof as may be necessary."

Mr. BLANTON. Mr. Chairman, I make a point of order against it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. SIEGEL. Mr. Chairman, I have an amendment to offer, at the end of line 16, to strike out "\$350,000" and make it "\$375,000."

The CHAIRMAN. That paragraph has been passed.

Mr. SIEGEL. No new paragraph has been read.

The CHAIRMAN. Very well. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SIEGEL: Page 152, line 16, strike out "\$350,000" and insert "\$375,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. SIEGEL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, yeas 23.

Mr. SIEGEL. I ask for tellers.

The CHAIRMAN. The gentleman from New York demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Five Members, not a sufficient number, and tellers are refused.

Accordingly the amendment was rejected.

The clerk read as follows:

MISCELLANEOUS.

To enable the Secretary of Labor to continue the investigation touching women in industry, including personal services in the District of Columbia and in the field, \$40,000.

Miss RANKIN. Mr. Chairman, on page 152, line 20, I move to strike out \$40,000 and insert \$150,000.

The CHAIRMAN. The lady from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Miss RANKIN: Page 152, line 23, strike out "\$40,000" and insert "\$150,000."

Miss RANKIN. Mr. Chairman, this provides for an investigation touching women in industry. We have had women in industry for a great many years, but during the war so many more women entered industry that it is very essential that the conditions under which those women work should be investigated and should be kept to the same high standard that we demand for men's work. Unless this is done it is going to double the expense of taking care of men in industry, for these women will undercut the men in their pay and will demoralize the working conditions. So it is very necessary to make a special study of women in industry for the benefit of both men and women. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, the committee in fixing the sum of \$40,000 fixed the identical sum for this work that has been carried during the current year. When this was established as a war emergency bureau of the Department of Labor during the past year Prof. Marshall, who presented very excellent reasons for it, urged that \$40,000 would be sufficient for the purpose of this particular bureau, carrying out its duty of policy making. It provided a director at \$5,000, an assistant director at \$3,500, a chief clerk at \$2,500, a secretary at \$2,000; and a very able woman was placed in charge, who up to this time has been doing her best to develop some policies and to establish standards for women throughout the country. In the very nature of things it can not be expanded into a separate department of the Government with district offices throughout the country, and, as the lady in charge very intelligently shows, it can not be made a statutory organization, but for the present should be continued.

She believes it is a special problem, and we will all admit that women are always a special problem, whether in industry or out of industry. For that reason the committee thought it wise to recommend that \$40,000, the same amount carried for the current year, be appropriated, in order that she may have a chance to see whether she can accomplish the purposes she has in mind. She stated that she arrived at this estimate of \$150,000, because she took the amount spent for women in industry in the Ordnance Department, and the amount spent in the Navy Department, and the various other departments during the war and lumped them all, and before the armistice was signed this estimate of \$150,000 was made. I think the amount appropriated for this service is ample, and I believe that under her direction it will do very good work.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. HULL of Iowa. What amount did the bureau ask for?

Mr. BYRNES of South Carolina. One hundred and fifty thousand dollars.

Mr. CANNON. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. CANNON. Has the Bureau of Statistics in the Labor Department been doing this work?

Mr. BYRNES of South Carolina. Not this particular work, but the Bureau of Labor Statistics has been doing work of this kind, and it has prepared documents on the subject of women in industry, and made investigations. Miss Van Kleeck, who was in charge of this bureau, said that possibly the work could be carried on by the Bureau of Labor Statistics; but because a separate bureau would give greater prestige to the organization, she was anxious to have it continued as a separate organization.

Mr. CANNON. This would have been subject to a point of order if it had been made, would it not?

Mr. BYRNES of South Carolina. In my opinion, it would have been, but the Committee on Appropriations realized that women are always a special problem, whether in industry or out of industry, and realizing that we have presented it to the House in order that the House might express its views.

Mr. CANNON. I think we passed it because she was a woman.

Mr. BYRNES of South Carolina. I am disposed to agree with the gentleman.

Mr. CANNON. And \$40,000 is all that is needed.

Mr. KEATING. I move to strike out the last word. I do not think it is quite fair that this should be presented to the House as a suggestion to donate \$40,000 for some fad which is urged by a woman. We have no right to appropriate \$40,000 merely to please a woman, and that is not the proposal here.

The proposition is a very serious one. It is to vitalize the bureau in the Department of Labor that has to do with women in industry; not to play up some fad, but to make special investigations and to pay special attention to the needs of thousands and millions of women who are going out every morning into the workshops and the factories of this country. I do not think the House should pass upon the proposition in the light of the airy remark made by the gentleman from Illinois [Mr. CANNON]. This is a very serious problem. The work done by this bureau is a serious work, and it is a work to which the Government of the United States should address itself. There is not a more important item in this bill than this one providing for an adequate appropriation for the Bureau of Women in Industry, and I hope the House will adopt the amendment offered by the lady from Montana. [Applause.]

Mr. SHERLEY. With part of what the gentleman from Colorado [Mr. KEATING] has said I thoroughly agree. I think there is a problem in connection with women in industry, whether it is going to continue a permanent problem in America I do not know. I am still old-fashioned enough to hope that the men of America may continue in a large measure to provide for the women of America without forcing them into industry. But in some instances they have been forced into industry and some have gone of their own predilection, and as a result of the conditions war has produced, a great many are now there.

But I desire to call the attention of the House to the fact that it is a mistaken notion that efficiency in the solution of a problem is measured by the amount of money which the Treasury is called upon to supply. The fact is I have never known in life outside, or in the Government itself, an organization to become efficient by sudden mushroom growth. It grows efficient by gradual growth; it makes itself efficient by proving step by step its work.

It so happens that the Government was fortunate in getting this particular woman at the head of this bureau. She is a woman of high intelligence and efficiency, and has done good work, but if people think that by increasing the appropriation they increase efficiency they are mistaken. With the larger appropriation, they are apt to proceed along lines that are not intelligent, that are not worth while.

There is not a department in this Government that is not to-day making a plea that it can only be efficient by having more money to spend. The history is that the more money departments have the less efficient they frequently are. What we need in America is to learn not to attempt to solve overnight all the problems that exist, and not to believe that simply by pouring out great sums of money we can thereby solve a problem. I had rather have one woman, an intelligent woman like the head of this one, in charge of the bureau than 20 people helping her, because those that help her will only interfere instead of being an actual help.

Another thing to be remembered is that the men in industry, the women in industry, those who toil, pay for governmental activities. You may not be able to put your finger on the tax, but in the last analysis the people must pay the sum. We have placed tremendous burdens on the people. Gentlemen say this is a small amount. That is always the cry. The argument was made to-day that large sums have been appropriated for certain purposes, and that therefore we ought to vote it for this purpose. It is that argument that makes necessary taxes in billions, and sooner or later there will come a Congress that will measure the work and not be prodigal with appropriations. [Applause.]

Mr. MONDELL. Mr. Chairman, this was the only service among all of the war activities that was not provided for by law that the committee recommended the continuation of. The committee took that responsibility knowing that the item was not provided for by law, that it was subject to a point of order, because we were impressed with the importance of the work to be carried on, and further we were impressed with the very evident intelligence with which the work had been carried on. It was one of the very few new war bureaus which justified itself beyond any question or controversy. I believe in this work and I believe in those engaged in it. I think my friendship for the work can not be questioned in view of my attitude as a member of the subcommittee. As a friend of this work, as a believer in the importance of the work, I shall not vote to increase this appropriation. I think that in the long run this work will be better done and more wisely extended if it is continued for another year, within the appropriation

originally asked for it, at a time when the problem was most acute in the midst of a great war. While those responsible for the work have not said so, I believe that they believe that the future of their work is quite as safe under the present appropriation as under an expansion.

What does expansion mean? Simply the establishment of district offices around over the country. Let us continue the character of the service as intended and proposed in the first instance. It was said that it was not to be a functioning service. It was stated at the hearings this year, I believe, that it was not believed to be wise to make it an extended functioning service, that it ought to be a planning service, an advisory service, a standardizing service, and that it can be such a service under this efficient organization with its present appropriation. In my opinion its friends will be better able to defend it and its work if it continues another year with this appropriation. In the meantime we can pass on the question whether there should be an extension and expansion of the work.

Mr. MANN. Mr. Chairman, we went into the war and called 4,000,000 men into the Army, and a good many more into the various civil services connected with the Army. Did the women of the country hold back? Did they do their share? Did they in many cases take the place of the men who were called into the service and perform the necessary work in order that the Government might do its proper function in providing for the Army and taking care of its share of the work? In every branch the women responded nobly. They did work which without them could not have been done for lack of labor. Are they not entitled to have the conditions under which they have gone into this work properly investigated? [Applause.] Have they not responded in such a way that we can do our little part toward knowing whether they have proper treatment and work under proper conditions? They have not held back. While I do not believe in extravagant appropriations, I think we can afford to give \$150,000 toward investigating and knowing the conditions under which they labor in this voluntary work which they have assumed and without which we could not have successfully taken our part in the war. [Applause.]

Mr. CANNON. Mr. Chairman, I just want to say a word. This provision was subject to a point of order but it was not made. This woman captured the committee. The Bureau of Statistics is well equipped to do similar work, and it has done similar work. The women, God bless them, have done their share and are doing their share, but there is no sense now in time of peace in increasing this appropriation. There is not one of these bureaus connected with the Department of Labor and with some other departments—and I shall keep close to the text—that is not now in time of peace saying, "Why, my work commenced in war, but it is a confounded sight more important for peace." That is the position of the Department of Labor. I have no objection to and I am not criticizing the Department of Labor. God knows I have trod every path that labor has trod, almost from the cradle up to mature years. You know our children and grandchildren and great grandchildren will get back to earth and touch the earth. I do not believe in increasing the work of the Department of Labor. The Bureau of Education cooperating with it, what happens? Oh, all kinds of schemes—coordinate with the States—yes, yes; coordinate with the States, and in the name of labor and education what do they propose to do?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. In a moment. In the name of labor and education they propose to take charge of the schoolmasters in the States. Good God! Let us keep something for local self-government. I yield to the gentleman.

Mr. GORDON. Was there any evidence before the committee showing whether or not these women who went into these industries were leaving them, and as to how many would be employed in the next fiscal year?

Mr. CANNON. Oh, just what were employed before. It is to enlarge the service. The woman at the head gets \$5,000 a year and the next one \$3,500 a year, and she made such a good appearance before this committee that—well, we caved. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the lady from Montana.

The question was taken; and on a division (demanded by Miss RANKIN) there were—ayes 41, noes 48.

Miss RANKIN. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed Miss RANKIN and Mr. BYRNES of South Carolina to act as tellers.

The committee again divided, and the tellers reported—ayes 58, noes 68.

So the amendment was rejected.

Mr. GALLIVAN. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GALLIVAN: Page 152, line 20, insert a new section as follows:

"To enable the Secretary of Labor to advance the opportunities for profitable employment of the wage earners of the United States there is hereby appropriated out of available money in the Treasury, \$10,033,808.10."

Mr. BLANTON. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. GALLIVAN. Mr. Chairman, I appeal from the decision of the Chair, if we can not discuss the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. GALLIVAN. Then the Chair withdraws the ruling?

The CHAIRMAN. If the gentleman desires to be heard upon it.

Mr. GALLIVAN. Of course I want to be heard upon it.

The CHAIRMAN. Upon the point of order?

Mr. GALLIVAN. Upon the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. GALLIVAN. I suppose that the Chair must have already discussed with somebody some sort of an amendment that was about to be offered at this point, but he certainly has not read this amendment. I contend that my amendment is in order.

The CHAIRMAN. The gentleman is addressing the Chair now?

Mr. GALLIVAN. Yes.

The CHAIRMAN. This makes law, does it not?

Mr. GALLIVAN. It makes no new law.

The CHAIRMAN. It makes new law.

Mr. GALLIVAN. It makes no new law. I direct the attention of the Chair to the organic act creating the Department of Labor, section 1, the second last sentence:

The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

That is the organic law of the land in this hour, and my amendment asks that the Secretary of Labor be given the wherewith to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

The CHAIRMAN. Will the gentleman from Massachusetts permit the Chair to ask him a question? Does the gentleman from Massachusetts seriously insist that the proposition contained in his amendment comes within the limits of the law that is prescribed here?

Mr. GALLIVAN. Why, certainly. I can not imagine the Chair seriously insisting that it does not. If it is not for the purpose mentioned in the organic act, what is it for?

Mr. KEATING. Mr. Chairman, before the Chair rules might I call the Chair's attention to a few authorities in Hinds' Precedents on this point? In Volume IV, section 3615, page 410, there is a precedent that seems to me in point:

A department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation was held to be within the rule.

And, if the Chair wishes, I will read the remainder of the decision, with which, I take it, he is familiar:

On February 14, 1901, the sundry civil appropriation bill was under consideration—

The very bill we are now considering—

was under consideration in the Committee of the Whole House on the state of the Union, and the Clerk had read the following paragraph relating to the work of the Fish Commission:

"Employees at large: Two field-station superintendents, at \$1,800 each; 2 fish culturists, at \$960 each; 2 fish culturists, at \$900 each; 5 machinists, at \$960 each"—

And various other employees.

Mr. Olmsted, of Pennsylvania, made a point of order against this paragraph, that the appropriations proposed were not authorized by law.

After debate, during which reference was made to sections 4395-4398, Revised Statutes, to the fact that the law of 1871 created the department for the prosecution of investigations, and to the decision of Chairman Payne, on January 30, 1897, the Chairman (Mr. Hopkins, of Illinois), on February 16, held—

And he proceeded in his opinion to overrule the point of order and to hold that the fact that the department was created for the express purpose of conducting such investigations made in order the appropriations to carry out such investigations.

I do not pretend, Mr. Chairman, to be an authority on parliamentary law, but in the time I have had at my disposal I have

gone through the books with a great deal of care, and I have failed to find a single instance where an attempt has been successfully made to overrule the proposition laid down by Chairman Hopkins in 1901.

I want to call the attention of the Chairman to a case that is not reported in Hinds'. I am quoting now, Mr. Chairman, from the CONGRESSIONAL RECORD for the second session, Sixty-third Congress, page 6712. An attempt was made to increase the appropriation for the Children's Bureau. An amendment was offered in the form of a detailed item, in which the bureau was authorized to employ clerks and experts of one kind and another. The Chair ruled that amendment out of order.

The CHAIRMAN. Was that to increase an appropriation or to make it?

Mr. KEATING. That was to increase the personnel of the department. It was ruled out on the ground that the bill creating the bureau fixed the personnel for the bureau, and that therefore the personnel could not be increased without the passage of a bill. Then the gentleman from Iowa [Mr. Goon] offered an amendment authorizing a lump-sum appropriation to carry out one of the objects in the organic law creating the bureau, and they had a long and interesting discussion on that point.

The gentleman from Wyoming [Mr. MONDELL], who had urged the point of order against the amendment as originally offered, opposed the point of order presented against the lump-sum appropriation, and he stated the whole case in one paragraph, which I shall, with the indulgence of the Chair, read:

Mr. MONDELL. Mr. Chairman, the amendment just offered is clearly in order; as clearly in order as the amendment offered a few minutes ago was not in order. Section 2 of this law outlines the jurisdiction of this bureau, and it is clearly within the jurisdiction of this committee to bring in a lump-sum appropriation for the purpose of enabling the bureau to perform the services within its jurisdiction. The amendment which was offered to section 2 proposed to change the office personnel, which had been fixed by law, and which in the terms of the statute could only be changed by law. Of course, we could not do that by amendment to an appropriation bill, but we could appropriate a million dollars for any one of the purposes named in section 1 of the act—to investigate infant mortality, to investigate the birth rate, questions of orphanage, juvenile courts, dangerous occupations, diseases of children, legislation affecting children, etc.

Now, Mr. Chairman, our contention is this, which is the contention made by the gentleman from Wyoming in this discussion, and, as I believe, a contention sustained by every Chairman who has ruled over the proceedings of this House in Committee of the Whole House on the state of the Union for many years: The organic act creating the Department of Labor having specifically charged the department with the duty of finding profitable employment for the workers of this country, it is within the power of this House on this bill to vote a lump-sum appropriation to permit the Secretary of Labor to carry out one of the objects for which his department was created.

That is our contention in a nutshell. I might go on here taking up the time of the committee, but, as I say, I have searched these bulky volumes as earnestly as I knew how, and I have failed to find a single precedent which would sustain the Chairman in sustaining this point of order.

Mr. COOPER of Wisconsin. Mr. Chairman, I have but a word to say, and that word I did not expect to say until I heard the gentleman from Massachusetts [Mr. GALLIVAN] read the paragraph from the organic act which sets forth the objects for which this bureau or agency was established.

As I understood the gentleman from Massachusetts, the last clause in that paragraph declares that one of the objects of the organic act is "to increase opportunities for employment." That is substantially the language, is it not, Mr. Chairman?

Mr. HARRISON of Mississippi. If the gentleman will permit me, I would like to read it.

Mr. COOPER of Wisconsin. Yes.

Mr. HARRISON of Mississippi. It reads:

The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

The amendment follows the language there.

Mr. COOPER of Wisconsin. I am obliged to the gentleman from Mississippi. Now, the language in that paragraph which, in my judgment, makes this amendment germane is the expression, "to advance their opportunities for profitable employment."

For would not this amendment, if made law, "advance their opportunities for profitable employment"? Actual experience supplies an answer to that question, for experience demonstrates that the Government Employment Service does increase such opportunities. This is certainly a fact, if we take as true statements in letters which come to us not only from laboring men and labor organizations, but also from employers. Only

this morning I received a letter from the Simmons Manufacturing Co., of the city of Kenosha, in my district, an establishment employing upward of 3,000 men, in which the writer urges the retention in the law of the provision for such employment agency. I have also received several letters from other employers in my district, some in the city of Janesville, saying that the existing service enables them to secure employees readily, and laboring men write me that it has helped them to secure employment. All this being true, then this amendment proposing to keep in existence an agency which does increase the "opportunities for profitable employment" clearly comes within the meaning of the paragraph of the organic act that was read by the gentleman from Massachusetts and the gentleman from Mississippi, and which declares the objects for which the Government bureau was created.

Mr. BLANTON. Mr. Chairman, I desire to be recognized on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLANTON. The law which sets forth the purpose of this department shows that the purpose is threefold. Simply because it specifies this threefold purpose is no reason why Congress has the right to inaugurate new legislation here and spend \$10,000,000. One of the purposes is to promote and develop the welfare of wage earners. Why, if the gentleman from Massachusetts is correct in his contention, the Secretary of Labor could contend that he could furnish every wage earner with a Pierce-Arrow limousine to ride to his place of work. That would promote his welfare. Would the gentleman contend it would not require legislation, special legislation, for the Secretary of Labor to do a thing of that kind? One of the purposes is that it is to improve their working conditions. Why, the Secretary of Labor might decide in his discretion that in order to have their working conditions improved each one of them should own a brownstone mansion. Would the gentleman contend for one moment that the Secretary of Labor could carry out that purpose from a lump appropriation without special legislation authorizing it? The other purpose is "and to advance their opportunities for profitable employment." Why, the Secretary of Labor might well say that it would advance their opportunity for profitable employment to send each one of them to Yale University or to Harvard or to Columbia, and let them take an A. B. degree. Does the gentleman contend, simply because he is to help them in their opportunities, he could decide in his discretion to give them a university education out of the lump-sum appropriation, without new and special legislation passed by Congress to authorize it?

I submit, Mr. Chairman, it does take new legislation here to authorize the expenditure of this \$10,300,000 proposed, and without new legislation authorizing it it is certainly subject to a point of order.

Mr. LUNDEEN. Mr. Chairman, under the language of the act creating the Department of Labor the amendment is certainly germane. To refuse to provide for our Government Employment Bureau is almost criminal, in view of the present crisis. Not only do I favor Government employment bureaus, but I favor strongly increasing their number and efficiency.

When it comes to the question of unemployment, I would like to say that on November 21 I introduced a resolution asking that a program be prepared by the committees of Congress, presented here, and passed, to take care of the rapidly increasing number of unemployed in this country. To-day we are faced with a situation where thousands of our soldiers are marching the streets of our great cities in search of work, many of them objects of charity. According to the Department of Labor reports as issued, hundreds of thousands of war workers are seeking work. The Employment Service of the Department of Labor told me the other day that nearly two and one-half millions of men and women were out of work in this country.

Mr. SIEGEL. Will the gentleman yield?

Mr. LUNDEEN. I will.

Mr. SIEGEL. I would like to know who gave the gentleman that information.

Mr. LUNDEEN. The Department of Labor.

Mr. SIEGEL. I saw Mr. Densmore, and he told me that there were not more than 350,000 people out of work in the country.

Mr. LUNDEEN. I will say this in that connection, that there are 122 cities that are reporting at the present time, and these 122 cities give only a partial list of manufacturing establishments in those cities. This does not begin to cover the country.

The action of the Appropriations Committee in striking out the \$10,033,080.10 asked by the Labor Department for its employment agency can not be defended. The immense and distressing problem of unemployment which the country faces

to-day with millions of men and women now in enforced idleness should compel that committee to reconsider its action.

I feel that the course of this Congress in sitting here for the past four months and refusing to do anything to provide employment for the millions of demobilized soldiers and war workers has been most reprehensible.

On November 21, 1918, only a few days after the armistice was signed, and when we knew that demobilization was upon us, I introduced a resolution, House resolution 452, directing the great committees of the House to provide work for the unemployed, which, had it been promptly acted on by Congress, would have avoided all the distress and danger which has since come upon the country by the creation of this vast compulsory army of nearly two and a half millions of unemployed men and women we have to-day, with the long train of evils and distress which it inevitably entails, to say nothing of the loss of billions of wealth to the country which is necessarily the result of the enforced idleness for months of millions of our wealth producers.

The Labor Department Employment Agency should have its proper appropriation as asked for by the department and as recommended by the minority report. But an employment agency does not and can not create opportunities for employment for anyone; it can only indicate to employers and workmen the places where shortage or surplus of labor exists; that is a proper and excellent part of the service. But it can not create the vast opportunities for work required to furnish employment for these ever-increasing millions of unemployed. That can only be done by opening up to labor the vast unused natural resources of the Nation with the aid of either private or Government capital. But as private capital "hesitates" to invest, waiting in hope of lower prices and lower wages, and as millions of men, women, and children can not and will not stand idle and starve while the capitalist "hesitates" and waits for lower wages and prices, there is but one thing to be done, and that is for the Government, which by its war program has created this abnormal condition, to step in with ample capital which it is able to command and in the various appropriation bills provide the means for opening up employment for all those in enforced idleness.

The Employment Service of the Labor Department says, "Since the war we have been finding places for workers in this country at the rate of 100,000 per week." But there are since the war 250,000 unemployed a week for whom they did not find places. There are at present nearly 2,500,000 unemployed in the United States, and the Labor Department reports that "the peak has not yet been reached"; their number is constantly increasing by whole armies of men and women each week.

What would this mere drop in the bucket of \$10,000,000 for the Employment Service for the whole year amount to if directly applied as a means of providing employment for 2,500,000 unemployed? That would be \$4 apiece. How much employment will that furnish? It will pay for less than one day's work apiece for the millions already out of employment and leave not a cent for the other millions who at the rate of thousands of men a day are being thrown into enforced idleness.

What this Congress should do is to provide, in this and in the other appropriation bills, sums sufficient to furnish work for every unemployed man and woman in the United States.

At the present rate of increase by the 1st of May there may be nearly 4,000,000 out of work, and at \$4 wages per day apiece that would require \$16,000,000 per day, and 300 working days for the year would amount to \$4,800,000,000. That is the sum which is needed to-day to be appropriated in this sundry civil bill and the other appropriation bills of this Congress if we are to deal in any adequate and effective way with this vast and ever-increasing army of the unemployed, already numbering nearly two and a half millions, and which is being increased every week by hundreds of thousands of compulsory recruits.

The moment Congress starts providing the money for employing those out of work it will instantly encourage and stimulate private capitalists in all lines of industry. For no one knows better than the capitalist that when the Government gives work to all the unemployed the market demand for their products in every line of business will be both permanent and profitable.

Every man employed on Government work helps to make jobs for others in private employment to make the goods he will buy. With all men and women employed, the average wage will steadily and naturally rise. But high wages do not necessarily mean high prices and high cost of living, for with the vast improvements in roads, transportation, and storage facilities which Government work will provide the flow of farm, forest, and mine products to the cities and city products to the farm and mine will in time increase the supply and reduce the price of all the necessities of life.

The weekly report on labor conditions issued by the Department of Labor, February 22, 1919, gives 73 cities reporting a surplus of labor of 355,597 unemployed and a shortage in 15 cities of 7,900, and this is only a partial report from the industrial centers. On November 30, 1918, 29 cities reported a shortage of 33,878, and 12 cities reported a surplus of 11,114. Between these two reports conditions have steadily grown worse, and the peak has not yet been reached. We are now informed by the Labor Department that there are now about 2,000,000 unemployed in the United States to-day.

A writer in Reconstruction, Frederick K. Kerby, says in February, 1919:

A million and a quarter workers are jobless to-day in the United States of America. They are, to use the official expression of the United States Employment Service, "involuntarily unemployed." That is to say, they want work and they can't get it. This estimate, based on official returns and made for me by the statistician of the New York headquarters of the United States Employment Service, covers the situation at the end of January. By the 1st of March, at the present rate of increase, the army of the unemployed will have reached at least 2,000,000.

Dr. George W. Kirchwey, Director United States Employment Service for New York State, says:

I do know that the great centers of population throughout the country are going to suffer a condition of unemployment which may easily become serious in the course of the next 30 days.

We must work out some reorganization of our industrial system that will provide public buffer employment for those who are not employed in private industry at any given time. That will prevent these eternal swings of the pendulum from prosperity to adversity. We must speed up all kinds of works of public improvement in cities, counties, States, and Nation if we would avoid the dangers that are ahead of us. There is no time to be lost; if we do not get action, and quickly, it may be too late.

This condition of affairs is not entirely unexpected. Many who are well informed issued warnings from time to time, asking some program for the period of reconstruction immediately following the cessation of hostilities. On December 7, Nathan A. Smyth, assistant to the director general of the United States Employment Service, stated that unemployment is the greatest danger confronting the United States during the next four months. The New Republic, as early as March 30, 1918, reported that—

Contrary to the prevailing impression, there are many hungry and unemployed men at the gates of our shipyards and munition plants to-day—not so many as there were in December and January, but yet a large number.

On November 21, 1918, I introduced the following resolution:
House resolution 452.

Whereas the rapid demobilization of 4,000,000 soldiers and 10,000,000 or more war workers in the United States during the next few months is liable to create a great body of unemployed; and

Whereas these conditions are brought about as a direct result of the exercise of the war-making power by Congress: Therefore be it

Resolved, That it is the plain and imperative duty of Congress to at once initiate the necessary steps to open opportunities for employment to all workers in the United States who face enforced idleness during the coming months.

Resolved further, That as a first step to remedy the danger of widespread unemployment of millions of our people during the winter and following months, this House hereby authorizes and directs the Committees on Labor, Interstate Commerce, Public Buildings and Grounds, Rivers and Harbors, Naval Affairs, Military Affairs, District of Columbia, and Post Offices and Post Roads to each make an investigation as to the possibilities of work for the unemployed in those branches of industry, either in public or private employment, coming within the purview of each of the above committees of this House.

Resolved further, That said committees shall have power to subpoena witnesses and administer oaths, to send for persons and papers, and employ such assistants as may be necessary to carry out the purpose of this resolution, and to report to this House on or before December 20, 1918.

Had this resolution been adopted, and a program formulated and passed by Congress, as indicated therein, there would not be a single person in enforced idleness in the United States to-day, nor would there be any unemployed at any future time as long as this remains the policy of the Government; and in justice to the men and women who labor it ought to be the policy of the Government for all time to come. This resolution asked action by Congress by the 20th day of December, 1918, and a hearing was had by the Rules Committee on December 10 and 11, 1918. I have placed the resolution in the RECORD for the information of the public, together with certain extracts from the hearings before the Rules Committee on the resolution.

On January 2 I introduced a bill creating a Bureau of Unemployed in the Department of Labor. I ask that this bill be made part of the RECORD:

A bill (H. R. 13592) to amend an act entitled "An act to create a Department of Labor" by providing for a bureau of the unemployed.

Be it enacted, etc., That an act entitled "An act to create a Department of Labor," approved March 4, 1913, be, and the same is hereby, amended by adding the following section:

"Sec. 12. That there shall be in the Department of Labor a bureau to be called the bureau of the unemployed, and a commissioner of the unemployed, who shall be the head of the said bureau, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$6,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of \$4,000 per

annum, and who shall, in the absence of the commissioner, act as and perform the duties of the commissioner of the unemployed, and who shall also perform such other duties as may be assigned to him by the Secretary of Labor or by the said commissioner.

"The said commissioner shall have power and authority under the direction of the Secretary of Labor—

"(a) To take a census, at as frequent intervals as possible, of the unemployed in the United States.

"(b) To make and keep a classified enrollment of the unemployed by avocations.

"(c) To correct and keep full records of the industrial and commercial conditions throughout the United States, especially in relation to opportunities for the employment of labor.

"(d) To furnish the fullest possible information to the unemployed of opportunities for employment in any part of the United States and to devise plans for facilitating the movement of the unemployed to places where opportunity for employment exists.

"(e) To make investigations and report to Congress and the President annually on the 1st of December, and oftener if requested, the extent of enforced idleness and unemployment in the United States and the causes thereof, with suggestions for remedies for the same.

When the bill creating the existing executive department to be known as the Department of Labor was first introduced in Congress in 1902 it was plainly indicated in the structure of the bill and in the arguments before the Committee on Labor of the House that one of the principal purposes of the framers of the law was that the new department should be a large and important instrumentality of the Government for solving the distressing and dangerous problem of the unemployed.

H. R. 13592 in substance was introduced in the House first in 1915 by Representative Fowler, of Illinois, but no action was taken thereon. Shortly after an attempt was successfully made to embody part of the plan in an amendment to the Labor Department law creating a United States employment agency. Many Members of Congress and others in the executive branches of the Government seem to be under the impression that by merely creating an "employment agency" in the Department of Labor they would be creating employment. This was a costly error, for while an employment agency is useful as a means of advertising the temporary scarcity or surplus of labor in localities and saving the workers from the fees of private employment agencies, it does not and can not furnish one single additional day's employment for one single man or woman in the United States.

My bill, H. R. 13592, provides that the Department of Labor shall "make investigations and report to Congress and the President annually on the 1st of December, and oftener if requested, the extent of enforced idleness and unemployment in the United States and the causes thereof, with suggestions for remedies for the same."

Thus the Department of Labor, in conjunction with Congress, will be able to plan and provide for the opening of new opportunities for employment on such lines as will effectually solve the problem of the unemployed and forever banish from the United States the curse of enforced idleness and its resulting poverty and misery, to say nothing of preventing the present loss of from three to ten billions of dollars of wealth annually which results from involuntary idleness of our wealth producers.

It is known that Australia and Canada are well advanced in their reconstruction programs. Australia and Canada have made extensive preparations; so also has England; and Italy has appropriated 3,500,000,000 lire for the same purpose. Other countries might be enumerated. In fact, the United States, so far as I know, is the last country to take any action; in fact, we are just beginning to think about doing something. We are now in the position of loaning or giving great sums of money to foreign nations, with which these countries make possible some sort of program for their unemployed after the war, while we, who furnished the money, are drifting into a very serious condition of affairs at home. This very month Congress has appropriated \$100,000,000 for foreigners through the push-button methods of an absent President, but I have yet to hear of a dollar being appropriated for the relief of distress in America. I am a believer in the policy of America first; foreigners second; and I am proud of it. I will never, so far as I know it, vote for or consent to a policy of foreigners first and Americans second.

It is true that we have a Labor Department, and we have employment bureaus. This, however, merely distributes positions already existing; it does not create new positions. The bureau and departments can not lay down a program of road building, reclaiming lands, such as swamp lands, cut-over lands, and irrigated lands, and open to labor hundreds of millions of acres of good, productive land now being held out of use by speculators and monopolists. I venture to say that if something is not done soon to relieve distress in this country, Congress will hear from our great industrial centers in no uncertain way; in fact, already we are in receipt of many letters and resolutions demanding that something be done. Strikes and growing unrest are now the order of the day. There are those who scoff

at the idea of unemployment in this country. They seem to fear to admit that such a condition exists or that it may grow worse. In fact, if the war were actively on, anyone who might seek to remedy the condition would be called pro-German possibly, or perhaps disloyal. Certainly, those who seek to better conditions are loyal to the people who work and to their families who are suffering want. If, however, such action is hostile to the great employers who desire lower wages, in order that they may increase their profits, if that is disloyalty, I am willing to accept that term.

In the contest between man and money I am for the man as against the dollar. The man who is willing to work and able to do work is entitled to a position; and if he can not find a position, it is the Government's duty to find one for him; and if the Government can not find one for him, it is our duty to create a job, so that he may support his family and not become a seeker for charity, which destroys the morale, weakens the strength, and degrades the character of our citizens.

Just the other day here in Washington a leading bank inserted an advertisement for clerks; 172 replies were had. A short time before hostilities ceased the same bank received no replies to the same ad. One employer who sought a stenographer before the armistice, the other day advertised and received 53 applications. These instances can be cited in any number. In Boston, New York, and many other centers thousands of returned soldiers march in parades demanding work.

On the 29th of December the surplus labor supply was rapidly approaching the point of danger, and it was announced in the headlines of the press, "Lack of work may keep men in the Army."

The American soldier will not remain in the Army for any such reason. He is still an American, and he will stand on his rights, and he has the right to be released when the war is over; and the politicians who oppose his release will have 4,000,000 soldiers to contend with when they seek political preferment in the future.

The Wall Street journals are already talking cuts in wages, and state that such reduction will surely come before the end of this year. There are plenty of roads to build, plenty of cut-over lands to put in condition for future farmers, swamp lands to be drained, irrigation projects to be developed, and many other public works on which soldiers and war workers can be used, and, for that matter, anyone who is out of employment. Above all, there are in the United States hundreds of millions of acres of good farm lands, forest and mineral lands, the natural opportunity for millions of men to employ themselves, which are to-day being held out of use by individual and corporate speculators and monopolists. If we, as the chosen representatives of the people, fail to protect our own people, ours will be a heavy responsibility.

Mr. Hoover, who has resided in London for the past 20 years, says that "America must furnish 20,000,000 tons of foodstuffs to hungry Europe this year," but he does not mention anything about supplying milk to the half-starved children in New York City. Our Labor Department has issued statistics showing that thousands of babes die in our country every year for want of milk. Says the Washington Times:

It isn't pleasant to read of a mother with six young children able to buy 3 pints of milk every other day, or to read about hungry babes angrily beating with their little fists on their mother's breast.

Every ton of food shipped to the foreigner creates just so much of a greater scarcity in the United States, and we pay for this scarcity in higher prices for food. A higher cost of living is the penalty.

One out of every five school children in New York City is starving and 7 out of 10 are undernourished to such a degree that they are fertile ground for wandering disease germs. Labor statistics show that in 10 years, from 1907 to 1916, there was a gradual increase in wages, amounting to 16 per cent. In the same period retail prices of food rapidly increased to 19 per cent in 1912, 25 per cent in 1914, up to 39 per cent in 1916. In January, 1917, this increase had reached 56 per cent, and in February 62 per cent. Milk is becoming more precious than the spices of Arabia, while our wheat goes to our associated nations, who industriously consume beer and whisky made from American cereals; but the American school child grows thinner, and is often struck down by disease; and that is our manner of beginning charity at home.

In England and Wales only 10 per cent of the school children were found underfed after two years of war. In New York City 21 per cent of the boys and girls between ages of 8 and 13 are lacking proper food. Conditions are rapidly growing worse. The percentage was 11 last year, and that was bad enough; and, strange to say, in that great city the socialist aldermen are leading the fight and labor is backing them up, while many so-called

patriotic taxpayers and so-called loyal real estate owners are doing everything in their power to obstruct relief measures.

We must not forget that before the world war began the United States was drifting into a frightful condition of unemployment in the manufacturing, building, transportation, and miscellaneous trades. In the State of New York, out of 1,184 union members, 18.8 per cent were reported idle at the end of March, 1912; 21.8 per cent at the end of March, 1913; 28.3 per cent at the end of March, 1914; 27.4 per cent at the end of March, 1915; and 16.4 per cent at the end of March, 1916. These figures show the rapid increase of idleness during the first part of Wilson's administration, the decrease of idleness after outbreak of the world war, and the stimulus that war orders have given languishing industries of the country.

Congress should heed the voice of the Chicago Federation of Labor, November 30, 1918, in their platform, section 4:

Abolition of unemployment by the creation of opportunity for steady work through the stabilization of industry and the establishment through periods of depression of Government work on housing, road building, reforestation, reclamation of desert and swamp, and the development of ports and highways.

We must not forget that while our soldiers fought bravely at Cantigny, Chateau-Thierry, Argonne Forest, and St. Mihiel, that here at home in the trenches of labor millions upon millions of patriotic American citizens were toiling to forge the weapons and missiles of war with which they achieved victory. Without American labor standing behind the American soldier, victory never could have come to our banners. We owe much to these men. They carry upon their backs the industries and the prosperity of the country, and it will be an evil day for the Nation when Congress and the legislatures forget the debt we owe them. The man who leaves home in the early morning—yes, in the gray of dawn—oftentimes toiling until the twilight; the man who must eat his meal from the dinner pail, grimy and weary with toil—this man, I say, is the backbone of the Nation. You may talk about money and brains, but labor is prior to and independent of money; and when it comes to brains, the American workman is able to run the United States, to furnish our leaders, our generals, our captains of industry, and the foremost men in every line.

In recent years I have often heard it said complainingly that labor has forced demands for higher wages and better conditions. When their rights are denied, when no relief is given, it is the right of American labor lawfully not only to demand but to force better conditions by means of organization, by means of strikes, and by means of demands which can be easily understood. With 2 per cent of the people owning 65 per cent of our wealth, one of the great future problems will be to bring about a more general distribution of this tremendous wealth.

We must pass prosperity around. We continue to concentrate the wealth of this Nation in the hands of fewer and ever fewer numbers of men until now a small circle controls the entire output of the country. The Government is now reaching out for this wealth and taxing it away from these robber barons who have made life miserable and intolerable for the great mass of our citizens for these many years.

Our people have not forgotten the watchwords of the French Revolution, "Liberty, Equality, Fraternity." When royalty and landed nobility of that day were overturned, the workmen of France carved these words into the archways and over the entrances of every public building, of every cathedral throughout the land, and they remain there to-day that all men may behold.

While traveling through France recently I saw an approaching engine, and on the tender the word "Etat." I supposed, of course, it was the equivalent of our Baltimore & Ohio or Pennsylvania, but learned, to my surprise, that Etat means the State, so that here the nation owns the railways, locomotives, and rolling stock; it is the people's property to do with as they see fit and it is not the plaything of one man or a set of men who set themselves up as having the divine right of wealth, which to me is as abominable a doctrine as that of the divine right of kings. There are to-day in this country more than 2,000,000 unemployed. I hope that number will not increase, but many well-posted authorities tell us that this number will increase, that it will reach two and a half and perhaps three million unemployed. Therefore, it is high time that appropriations are passed for America and to disentangle ourselves from Europe and her quarrels, and seek first the welfare and well-being of our own people at home. The brave lads who fought our battles for us abroad will be in no mood to listen to excuses when they return, and they will return in the not distant future—2,000,000 of them to join 2,000,000 more who did not cross, and I ask you gentlemen to remember that since the beginning of time the soldier and the veteran is a man who

looks you square in the eye without fear or favor and gives you his ideas and plans straight from the shoulder. Men who have faced death on the field or prepared themselves in spirit to meet that ordeal will not quail before problems and politicians at home. They will demand results; they are strong; they are ambitious; they want work, and they are going to get it; if not at first, then finally when the pressure of public opinion compels action on the part of Congress.

To meet the needs of this situation, the following statements were presented in hearings before the Rules Committee by myself and others. This was in support of House resolution 452, which I introduced November 21, 1918:

UNEMPLOYMENT BY REASON OF DEMOBILIZATION OF SOLDIERS AND WAR WORKERS.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, December 10, 1918.

The committee met at 10.30 o'clock a. m., Hon. EDWARD W. POW, presiding.

The committee thereupon proceeded to the consideration of H. Res. 452 and H. Res. 463.

The CHAIRMAN. Gentlemen, we have two different resolutions before us this morning, the only difference between them being that 463 has added some committees to 452.

Mr. LUNDEEN, the committee will now be glad to hear you.

STATEMENT OF HON. ERNEST LUNDEEN, MEMBER OF CONGRESS FROM MINNESOTA.

Mr. LUNDEEN. Mr. CLAYPOOL's resolution, 463, and mine are alike, with the exception that to his have been added several more committees, as the chairman stated. The question is as to how many there shall be. I think we can agree on one proposition, and that is that the Congress ought to take steps to see that there will be no unemployment, if such a thing is possible, rather than to cure unemployment after it arises. That seems to be the attitude of other governments. I have been looking over some of the activities in this regard of the government in Australia, Canada, and England, and I find they are going ahead on the theory that if the governments of these different colonies and countries do not take steps to prevent unemployment they are going to have it on their hands, and then have to cure the evil after it arises. For instance, in the congressional files in the reading room of the Library we find that Canada has already passed a bill for a three years' program—\$50,000,000 the first year, \$100,000,000 the second year, and \$150,000,000 the third year; \$300,000,000 in all—right along these lines. Of course, we have a Labor Department, we have the employment bureaus, and there is a movement on foot to consolidate and to coordinate the municipal, State, and national employment bureaus. But that is not going to reach the thing we want to reach. In the Committee on Irrigation of Arid Lands, of which I am a member, we have been talking for more than a year about doubling the amount of money now invested. We have over \$100,000,000 in the irrigation projects, and Secretary Lane thought we ought to put another \$100,000,000 in there.

That is only one of the committees. Such matters as swamp lands and cut-over lands should be considered. We have a great deal of cut-over lands in our State of Minnesota.

Mr. FOSTER. What would you do with those cut-over lands, Mr. Lundeen? I do not understand your proposition in that respect.

Mr. LUNDEEN. Well, there was a project discussed a great deal some years back by the Minnesota Legislature about having State farms, the State selling the land to the individual for a number of years, say 40 years.

Mr. FOSTER. I know; but what I am getting at is what you thought the Government should do.

Mr. LUNDEEN. They would clear, say, 10 acres of that land, so that he could have enough to support himself on; we will say put in a well, erect a house there—

The CHAIRMAN (Interposing). Loan them money on the land at a per cent, and then the man could pay it back.

Mr. LUNDEEN. This is a project which is approved by the most conservative business men of the State.

Mr. LUNDEEN. This proposition is a resolution instructing committees to remedy the danger of widespread unemployment. Here is a committee on roads. They might bring in a recommendation after this resolution were passed, after investigating, that we could put in a billion dollars in transcontinental roads in the United States, and that there should be feeders running in different directions, and that the surplus labor be put to work on that.

Mr. FOSTER. How are you going to finance it? What is your idea? You say a billion dollars for roads; how are you going to get the money?

Mr. RODENBERG. By the issue of bonds?

Mr. FOSTER. That is what I want to find out.

Mr. LUNDEEN. My idea is that the Government get behind this, as the Canadian Government has in appropriating \$300,000,000. For instance, we are all going to do all we can for the soldiers. But their problem is easier than that of the war workers, because the soldiers are going to be given a preference by law or given a preference without law. We will see that the man who fought the battles is given a place.

The CHAIRMAN. I want to ask you a question. Do you think there is any danger of any widespread lack of employment, except possibly from the demobilization of our Army?

Mr. LUNDEEN. Yes; I do.

The CHAIRMAN. In other words, there has been approximately 4,000,000 men who have been under arms. If they were taken care of, do you think there would still be any considerable danger of lack of employment in the country?

Mr. LUNDEEN. Yes; I do. In 1914—I have papers here, though it is not necessary to go into them—but the statistics show that in that year, when the war broke out, for instance, in some labor unions in Chicago there were 28 per cent of their members out of work. There was very heavy unemployment throughout the United States at that time, and it was increasing. That was the 1st of August, 1914.

Mr. SNELL. Sometimes a labor union will say there is lack of employment because they will not permit their members to work unless they accomplished certain results or the employers do certain things.

Mr. LUNDEEN. As a general thing, those who are not in the union have a heavier rate of unemployment than those in the unions, because the unions are better able to take care of their members.

Mr. SNELL. In our country we have done away with trying to improve roads and do necessary repairs, because we have not had the labor and it has been impossible to get it for the last three years, and away back in 1914 they could not get help enough to do the work.

Mr. LUNDEEN. Only in certain skilled lines.

Mr. SNELL. This was absolutely unskilled labor.

Mr. RODENBERG. That was due to the wonderful activities of the munition plants, where they paid such high wages.

Mr. LUNDEEN. I believe the Government machinery ought to be put to work on this problem at once, and that these people ought to be called in and that the committees ought to have sittings on this proposition.

Mr. GARRETT. I am not taking issue with you on that. That is probably correct. But I am just speaking now as to the necessity of this particular resolution. Why have they not all the necessary authority already—all these committees—to do the very thing proposed in your resolution.

Mr. LUNDEEN. There is the grave danger of Nation-wide unemployment and enforced idleness of millions of men and women. It should be gone into by all these committees, not only with respect to unskilled laborers but all others. The need is for quick results; therefore the committees should have to the full the powers given them in the resolution. There should be no delays and there should be ample power to get the facts from persons and papers.

Mr. LUNDEEN. Of course, there will be public buildings and all that sort of thing. Speaking of what I was mentioning here awhile ago, on March 30, 1918, the New Republic had then to say: "Contrary to the prevailing impression there are many hungry and unemployed men at the gates of our shipyards and munition plants to-day; not so many as there were in December and January, but yet a large number." Certain skilled people, of course, are provided with work, but here you have unemployment right at the shipyards.

Mr. SNELL. That same came from the Department of Labor down here in the city, did it not?

Mr. LUNDEEN. No; it did not.

Mr. SNELL. They have claimed all the time there was plenty of labor, but I personally could never believe that.

Mr. LUNDEEN. This was furnished me by the Legislature Reference Bureau over here in the Congressional Library. As soon as we get back to the prewar basis we are going to have the same condition that we had in 1914, only aggravated, I believe. And while the Australians and Canadians and the British are taking hold of this, which many of them did before the war ended, I do not see much evidence here that we are grappling with the problem. We must be forehanded in this matter and not let it arise and then cure it after it gets underway.

I do not say that is exactly the form of the resolution that should be passed or that it exactly names the proper committees, but committees ought to take it up and they ought to summon these people and they ought to cooperate with the departments who are having it in hand. Congress is going to be held responsible, I believe, for the condition of labor within the next few months. These men are being demobilized at the rate of 200,000 a week, or 30,000 a day, and, supposing the President keeps 1,000,000 men or so over in Europe, there will be another million coming back from "over there." They will be displacing the war workers here, because the soldier will always be taken care of first.

The CHAIRMAN. You are right about that, and my thought has been that if we provide for taking care of the men who have fought in the Army—which, of course, everybody feels we should do; in fact, we needed a man here, and I sent down and announced my preference for a soldier, if we could get him. The young man is here this morning. I think this is typical of what everybody is doing, that if we could provide for the taking care of the Army, it would seem to me that ought to come pretty near solving the situation.

Mr. RODENBERG. What is going to become of the other 3,000,000 or 4,000,000 the soldiers are going to displace? We have got to make some provision for those people.

The CHAIRMAN. I have my own idea as to the best way to take care of the soldiers.

The CHAIRMAN. My idea is that the Government ought to stand behind these soldiers until they get back in their employment, to stand behind them for two or three years, if necessary—soldiers and sailors, too.

Mr. LUNDEEN. Here is a statement by Mr. N. A. Smyth, assistant director general, United States Employment Service. He is right in touch with the situation, and he says this [reading]:

"Unemployment is the greatest danger confronting the United States during the next four months the labor reconstruction conference was told at its meeting here to-day by Nathan A. Smyth, assistant director general of the United States Employment Service."

"Soldiers are being discharged by the thousands daily on the basis of military units, with no reference to whether or not they are now needed in industry."

"There is every prospect that unless remedial measures are promptly taken the sight of stranded, workless, moneyless soldiers will be common throughout the land."

"The great danger in the coming four months is that there won't be jobs enough to go around; that unemployment will come with attendant misery and social unrest at a time when anarchistic tendencies are contagious."

"Chiefly must we look to our manufacturers to carry the burden. But they are hesitant. Taxes are not yet determined. The cost of money is high and credit timid for a while. The prices of raw material and labor are high. The producer hopes they will fall, and manifests a tendency to wait till they do. To meet each of these deterrent features is an immediate national task."

Mr. CAMPBELL. That was the impression I had of the situation, but these business men, these employers of labor, seem to take the other view of it. Do you understand what is their source of information? Have you looked into the matter sufficiently to know what their source of information is?

Mr. LUNDEEN. I do not know where they get their information. I think they are absolutely wrong. Every country in the world is anticipating unemployment, and every country in the world that is forehanded and forward looking at all is going to meet it. As I mentioned

early in my statement here, they are putting forth all sorts of projects—first, to take care of the soldiers, and, secondly, the war workers. All sorts of road-building and housing projects and State farms are being projected.

Mr. LUNDEEN. Take, for instance, one of the factories in my home city. Before the armistice 25 or 30 men would apply for work each day, while since the armistice there has been double the number of men asking for jobs. That may be partly due to the fact that one large plant in my home city burned and threw several thousand men out of employment.

Mr. SNELL. That may be a peculiar situation due to an unusual condition.

Mr. LUNDEEN. But they were asking for jobs even before this plant was burned, and it has increased since then; and also due to the fact that they formerly used three shifts, and two shifts have been dispensed with, and only one shift is now working in almost all of the foundries and steel and iron works in our home city. But that is only one portion of the country.

The resolution looks toward a survey of the situation. Since we have had surveys of various kinds, I do not see why we should not have a survey on this proposition by the committees of Congress, with authority to call these men before them and administer oaths and inquire and look into the general situation.

The CHAIRMAN. It is clear they have to employ assistance.

Mr. SNELL. I think that goes altogether too far.

Mr. GARRETT. These committees already have their clerks. What will be the necessity, Mr. LUNDEEN, taking the suggestion there as to the lack of authority on the part of these committees to subpoena witnesses, of their being clothed with that particular authority to summon witnesses and force the attendance of people to discuss this problem? The interest in it surely must be great enough that they would come voluntarily without being brought by subpoena to discuss a great economic situation. I hope you will understand I am not undertaking in any way to discredit your efforts. Your motives do you credit. I am merely speaking of just what sort of a situation we would be in if we carry this resolution or some resolution to the floor of the House. What answer could we give to such inquiries as I am now making?

Mr. LUNDEEN. If men come willingly there would be no necessity of using that power; if they do not, we could see that they do come in.

The standing committees enumerated in the resolution should by all means have all the powers granted them by the last paragraph of the resolution. The fact that the chairmen and members of those committees are not now of the belief that their committees possess these powers, and therefore have not acted and will not act, is one of the strongest reasons for the passage of the resolution. Another reason is that the resolution is not only a specific direction and authority to act at once, which is conferred on these enumerated standing committees of the House; but it is a broad and positive declaration of principle and public policy on the part of the House, which is a definite reassurance and pledge to the soldiers and the war workers, as well as the people generally that as they stood by the Nation in its need of men and women to fight and work for political liberty in foreign lands, so now the Nation will stand by them in their need for employment and economic liberty here at home.

The CHAIRMAN. Is it not your idea, Mr. LUNDEEN, that there is probably a real danger of unemployment; that your opinion in that respect being sustained by the action taken by these other countries—England, Australia, and Canada—that up to the present no concrete action has been taken to meet that possible emergency, and that your resolution is more in the nature of a suggestion to call it to the attention of Congress in order that some action may be taken to meet this possible emergency?

Mr. LUNDEEN. That is just what I have in mind, and along that line the President in his address of November 11 said this (reading):

"The ordinary and normal processes of private initiative will not, however, provide immediate employment for all of the men of our returning armies.

"It seems to me important, therefore, that the development of public works of every sort should be promptly resumed, in order that opportunities should be created for unskilled labor in particular, and that plans should be made for such developments of our unused lands and our natural resources as we have hitherto lacked stimulation to undertake.

In a great many sections of the country public work can not be undertaken during the winter, and it will be several months before public work can be undertaken, and these men are being discharged now, in the fall of the year, with winter approaching, and when there is lack of work.

The CHAIRMAN. If you are mistaken, then no harm can come from having what you call a survey. If there shall be found widespread unemployment, then it is worth the trouble and expense involved in trying to meet it.

Mr. LUNDEEN. I think it is the first duty of Congress at this time to look into it and make a survey.

Mr. CAMPBELL. Would you have that done by all these committees or one committee, as has been suggested?

Mr. LUNDEEN. I introduced a resolution naming several, and another Congressman introduced a resolution naming still more committees, and it has been suggested here that we have just one committee. It makes no difference to me, but I want somebody to get at it.

Mr. SNELL. If you want definite action, you better have one committee.

Mr. CAMPBELL. Have you any knowledge as to whether a committee of the Manufacturers' Association has taken up the question or not with a view of restoring or readjusting their industries to peace conditions and employing labor, the need for just what you all want done?

Mr. LUNDEEN. Along that line they are hesitating until the taxation problem has been fixed. They are doing, I am sure, all that they can do; but you know the armistice came upon this country very suddenly. I presume the American private was the only person who foretold the armistice. You remember when he said, "Hell, heaven, or Hoboken by Christmas." All the generals and everybody said it would take until next spring before an armistice could be hoped for. I do not suppose they have been able to readjust themselves, and I am sure they are doing everything they can. But I believe that the Government will have to assist in the situation; that we should not allow this road program to go by the board, or perhaps something along the irrigation line, or something like the swamp-land and cut-over land program; that

a committee or several committees or many committees of Congress should take hold of it right away.

Mr. CAMPBELL. I agree with you. I think the Committee on Roads, Irrigation, Arid Lands, and any committee that has authority on these swamp lands should take all those questions and employ laborers at once, or just as soon as it can be arranged. I think the Appropriations Committee should take the question up.

Mr. GARRETT. Here is the Committee on Flood Control, which is not mentioned. That would be one committee.

Mr. FOSTER. It may be in the other resolution.

Mr. LUNDEEN. Others are named in Mr. Claypool's resolution. Mr. FOSTER. I notice you mention the Committee on Post Offices and Post Roads. Of course, I do not suppose it would be insisted that that committee should undertake to arrange for positions beyond the need of the public service.

Mr. LUNDEEN. No; I do not think that that should be done. But if there is some future work that should be done and it can be just as well done at the present time, it should not be delayed. The slack should be taken up by all these different committees. I do not want to take any further time just now.

The CHAIRMAN. We will now hear Mr. CLAYPOOL.

STATEMENT OF HON. H. C. CLAYPOOL, MEMBER OF CONGRESS FROM OHIO.

Mr. CLAYPOOL. My part in this is quite brief and merely supplementary. Finding that our friend (Mr. LUNDEEN) had introduced a resolution, it only occurred to me that a few committees should be added, and that is the part I undertook to supply. I first started simply to amend this resolution, but it amounted to an entire resolution by the time they got it printed.

I may be all wrong in this. I came here this morning from home with the idea that there was a real danger of the unemployed. That was the impression where I had been traveling. I came here to learn that there is probably no such danger existing, and I am pleased to death that there is not. Surely, if we can get down off of the high perch where we have been preparing a great Army, running the manufacturing plants to the high point in producing munitions of war and clothing and everything that goes with a great Army, if we can get off of that eminence to the normal without a jar, I am tickled to death. There is not anybody more pleased with that than I am.

But, you will pardon me, we all have our opinions. I do not believe we can do it. There are many things which enter into it. Even before 1915, as has been said here by some of the Members when everything was stimulated by a foreign war, we were on the verge of manufacturing tramps. We had more men than we had real use for. Now, we have gone through that period. Not only the foreign war, but our own coming into the war a year and a half ago has stimulated everything to the high point. Even this has entered into it: Back home, in the farming country where my friend CAMPBELL lives and where I live, farmers are arranging to get along with fewer men. They are using the tractor, they are doing this and that, using machinery for husking and cutting corn, and learning to get along generally without so many men. Even that is going to enter into it. Take the great factories; they are going to hesitate a little while to know just what to do. Beyond the new conditions following the great war like we have just had is going to develop—

Mr. CANTRILL. Mr. CLAYPOOL, if the farmers are making this great demand for tractors and machinery, would it really not have the effect of increasing the demand for labor, because it will take those men to make all this machinery in the factories which the farmers are demanding?

Mr. CLAYPOOL. Yes; but one machine requiring but a few men to manufacture would do the work of a hundred men when set in operation on the farm. That works into the problem all the way along the line. All we hope to do in this direction, if you gentlemen find in your wisdom that a different resolution will answer the purpose, you have my entire consent, and I have no pride in the form of the resolution. If you find fewer committees can investigate to better advantage, I have not anything to say. I only wanted to add, in my additional resolution, for instance, a matter that has been discussed here quite a little in my presence, and that is the road proposition. I want to say, too, by way of preliminary, that I am a pretty fair economist, of necessity, and I do not want to spend a dollar of the Government's money without producing something worth one hundred cents on the dollar. Take, for illustration, if this Government would undertake to run a few trunk lines—one, two, or three, whatever may be necessary—of paved roads across this great continent of ours, I would want it to be worth one hundred cents on the dollar, and I believe it would be worth that. Not only that, but we should stimulate the States to run their laterals into those trunk lines and also the counties to do the same thing. It would be a foundation for all good road systems that we gentlemen have in mind here and would certainly be a valuable asset.

I only speak of that as one particular matter.

I want to call attention, too, while passing along rapidly the line that is suggested here, that I find it well founded that other countries are anticipating the same fear that a few of us have in mind. Canada, which has been mentioned, has arranged already to give each returning soldier 160 acres of land, and lend him \$2,500 in money to go and enter it and prepare for business. That might be a little extravagant, but those of us who have lived in the era following the War of the Rebellion remember that we had a great West then—Kansas, Nebraska—all that great fertile country that was ready for farming was opened to settlement, and they rushed out there. It was a relief to the whole situation. But we all know that that condition does not exist now. When you come to taking up swamp lands, when you come to getting water on millions of acres of arid land, the individual can not go and do it. It has to be done by great private companies that speculate or it has to be done by the Government—one way or the other. You can not expect the fellow who is thrown out of a factory or who is thrown out of the Army to go out there onto that arid land and get water on it. It can not be done. Those of us who have given that public-land matter a little attention know it can not be done that way. That land is either going to remain there unimproved or fall into the hands of great speculators, bringing about a situation that the Government has got to take some notice of and do something along the line we mentioned.

There is one other thought that struck me, and I am going to hurry along with it, and that is this: All the men thrown out of employment are not in the same lines of life. You talk about farmers, and a good many people think anybody can farm. There never was a greater mis-

take. The average young man accustomed to city life can not go out there on that arid land, and even if somebody got him water on it, he can not become a farmer. He is 25 years old, perhaps, and has been in the Army a while and spent all his life in some city or some factory. And so it goes all the way along the line. That is our notion for having several lines of endeavor considered. Farming is one proposition; the building of roads, which will require brick, cement, and other materials, opens up avenues of employment for men who would not be farmers, and so with matters coming under all the attention of almost every one of these different committees; as we all agree that this is to be a mere survey we ask that you give it attention.

All that I expected to do was to intensify the consideration. I agree with Mr. GARRETT—and we nearly agree—that these committees have much of the power needed, but might they not overlook it, unless attention was called to it, in the busy whirl of affairs here? So, we simply want to intensify that idea and call attention to it more than any other one thing in rectifying these matters and calling the committee's attention to the matter in these resolutions:

Mr. CLAYPOOL. And that is largely what prompts us in calling special attention to this, whatever you may conclude to do. With our shipping facilities and the great foreign demand and all that which goes with it will it not naturally keep up to the high point the food products for the next year or two or three years, perhaps? If there will be a superabundance of labor—you know everything is governed by supply and demand more or less—might it not reduce their wages below what would be an honest living even for the honest laborer? That is the only thing we want to call your attention to, and beyond that we have no interest.

Mr. CLAYPOOL. My friend here, Mr. Ramage, has given a good deal of time and thought to these matters, and I will be glad for you to hear him.

STATEMENT OF MR. MATHEW H. RAMAGE, 1343 CLIFTON STREET, WASHINGTON, D. C.

Mr. RAMAGE. The thing that appealed to me, gentlemen—

The CHAIRMAN. Will you please tell us what position you occupy?

Mr. RAMAGE. I am chairman of the executive committee of the Economic Liberty League, a body organized to help out this situation.

Mr. SNELL. When was it organized, and tell us something about it?

Mr. RAMAGE. It was organized in New York City about six weeks ago, and I was over there and they made me chairman of it.

Mr. SNELL. What does that mean; what does it stand for?

Mr. RAMAGE. Well, it stands for a better and fairer economic adjustment.

The Economic Liberty League is an organization for the betterment of mankind. The following is the memorial recently presented to Congress which contains the declaration of principles and list of officers of the league:

THE ECONOMIC LIBERTY LEAGUE,
Washington, D. C., November 20, 1918.

To the honorable the Speaker and House of Representatives of the United States of America.

GENTLEMEN: We respectfully submit for your consideration and action during the present Congress the legislative proposals set forth in the inclosed resolutions. Being firmly persuaded that only by prompt action along these lines can the immemorial and beneficent principles of Jeffersonian democracy be perpetuated and expanded to enable the hundreds of millions of Americans of this and future generations to enjoy the full fruits of that economic liberty, the denial of which has been the main cause of human miseries in the modern world; and America's adoption of which now will save our people and help other nations to escape the disasters to civilization which have befallen many peoples in Europe.

Respectfully, yours,
ECONOMIC LIBERTY LEAGUE,
NATIONAL EXECUTIVE COMMITTEE,
MATHEW H. RAMAGE, Chairman.
WM. DELAHUNTY, Secretary.

PETITION AND MEMORIAL TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF AMERICA.

Resolutions adopted at the meeting of the National Executive Committee of the Economic Liberty League, Washington, D. C.

Whereas the armies of freedom having won in the great war political liberty and independence for the peoples of Europe; in order to make permanent these and other liberties, it is now necessary for the people of the United States and other nations to achieve the last and greatest of the rights of man—economic liberty—without which all the other forms of freedom fall; and

Whereas as was wisely declared by the Revolutionary Convention of France in 1789:

"Ignorance, neglect, and contempt of human rights are the main sources of public misfortunes and corruptions of government"; and

Whereas in times of long-settled peace and public sympathy, and under the iron discipline and ruthless despotism of war times, human rights are often and easily trampled under foot and treated with "ignorance, neglect, and contempt," yet not so may human rights be safely treated in the mighty flux and change at the close of such a stupendous and bloody struggle as that through which the world has just passed; and

Whereas more urgent and important than any other issue facing the people of the United States to-day is the problem of the future employment and the economic liberty of the millions of men and women of the military and war material forces who are about to be released from their present occupations; not a day should be lost by our citizens and our National, State, and local government bodies in making ample preparation for this huge and complex emergency, which must be settled quickly and with justice, gentleness, and wisdom.

The first duty falls on the Federal Congress, because under our Constitution all the issues of war and peace are the peculiar province of the National Government. And, of the coordinate branches of the Federal Government, to Congress falls more especially the duty of solving these greatest of the problems of peace, because in dealing with these vital matters the judiciary is impotent and the executive practically helpless without authority and direction from Congress.

The legislative branch of the Government must lay the foundation broad and deep, founded on the solid rock of economic liberty. Freedom of access for labor to the unused natural resources of the country and equal opportunities for all the people over the highways of the Nation are fundamental.

The maintenance of highways is one of the most important functions of the Government—one of the great essential attributes of sovereignty, of which no State can divest itself without endangering the very existence of free government. Therefore

Resolved, That we demand as the first step in the program of reconstruction, the establishment of permanent Government ownership and operation of the telegraph and telephone systems as a part of the Postal Service of the Nation. And we indorse and recommend the immediate enactment of the principles of the pending Cary bill, H. R. 6750, for the erection of a Federal department of transportation, as a first step toward the early establishment of Government ownership and operation of all railroads, pipe lines, and waterways.

We demand the adoption by the Government—Federal, State, and local—of a policy of Government provision for employment for returning soldiers and sailors and war industries workers who are now about to be released from their employment. And as a first step to that end, we urge the immediate enactment of the principles of the Loft and Fowler unemployment bills of 1915.

We also demand as a part of this provision the enactment of the principles of the Crosser bill as a feature of the pending Federal revenue legislation and of the permanent revenue policy of the Nation. And we insist upon the necessity of a rehearing before the House and Senate committees of the Congress on the pending revenue bill because of the important changes necessarily arising out of the termination of the war. We indicate the possibility of securing \$4,000,000,000 of public revenue from a site value tax on the unimproved land values of the country, which now flows into the pockets of private land monopoly; this amount can be raised without laying a single penny of added taxes on the industry or consumption of the Nation.

The adoption by the Government of the policies herein set forth will not only remove the menace of unemployment but by vastly increasing production will greatly reduce the present needless and enormous trust-created high cost of food, fuel, and other necessities of life; this, too, without making at all necessary those proposed increases of hours of work, and reductions of wages of labor, which may entail serious disturbance of the industrial and commercial conditions of the country. For no one can deny that economic liberty and justice are to-day vitally necessary additions to the policies of all Governments in order to insure permanent industrial as well as international peace for the war-weary peoples of the world.

Respectfully submitted.

ECONOMIC LIBERTY LEAGUE,
National Executive Committee.

Mr. CAMPBELL. Is it incorporated or voluntary?

Mr. RAMAGE. It is just a voluntary organization.

Mr. CAMPBELL. Who are the members?

Mr. RAMAGE. Edward J. Bowen, 320 Fifth Avenue, New York, is treasurer, and Mr. William Delahunty is the secretary. Capt. Charles Campbell, water transportation expert, is the vice chairman.

Mr. CAMPBELL. Do they maintain an office?

Mr. RAMAGE. Yes; there is an office in New York, at 320 Fifth Avenue, and also here, at 810 F Street, Washington, D. C.

Mr. CAMPBELL. How is it sustained—what supports it?

Mr. RAMAGE. It is supported just by voluntary contributions among ourselves.

The CHAIRMAN. You are a resident of this city?

Mr. RAMAGE. I live here in the wintertime; I live down in Maryland in the summer and am a farmer down there on the Potomac River.

The CHAIRMAN. All right, we will be glad to hear anything you desire to say.

Mr. RAMAGE. The thing that appealed to me about this reconstruction, to state it in as concrete a manner as possible. This great number of laborers in the war-munitions plants and also the soldiers in uniform are being released at a time when I do not think there is the least possibility of a very material lowering of the cost of living—the cost of living is higher probably than it has ever been at any time in the history of America—and it was in view of the tremendous amount of materials that they seem to have to send to Europe we are going to be down to a point where, if we get enough to eat, we will have to pay a big price for it here right along, and I understand that even wages now in a great many parts of this country are not quite commensurate with the cost of living. I understand that the cost of living has gone up 65 per cent and the wages only 50 per cent in the United States. That being the case, living is above normal.

Mr. CAMPBELL. I think you are right. I do not think anybody could live on the standard of living upon which they lived four years ago to-day, even if there were a 65 per cent increase in wages.

Mr. RAMAGE. That is what we fear. We fear some great turmoils might take place in the country, big strikes would start up, and we might have a worse condition than we ever dreamed of having unless something substantial is done. I do not believe that the United States Government needs to spend one dollar that is not for permanent improvements; that is to say, that the people will not get the full return for. I believe good roads, for instance, will pay for themselves in a few years. There is a great lack of good roads where I live. I live 45 miles from Washington. It takes me a half a day to get there on the boat and it takes me another half of a day to get back. If I use a team, I have got to go to La Plata on the train and take a team 22 miles, and the roads are most deplorable. I am not advocating anything for that part of the country particularly, but those are the conditions there, and good roads are needed everywhere.

STATEMENT OF MR. WESTERN STARR, BALTIMORE, MD.

Mr. WESTERN STARR. Mr. Chairman, they have asked me to say a few words here. My name is Western Starr.

The CHAIRMAN. State your occupation, and so on.

Mr. WESTERN STARR. My residence is in Baltimore. I am a farmer. I do not know that I ought to say, living in Baltimore, that I am a farmer, but I have been a farmer for a great many years, and I am now, between seasons, waiting for the next season's work to begin.

My relationship to this organization is that of a consulting friend. I never heard of it until 10 days ago.

Mr. SNELL. You mean the organization this other gentleman represented?

Mr. WESTERN STARR. Yes, sir; it was only newly organized, and its object, as it was presented to me, appealed to my sympathies, and I have consented to look into the subject a little and to bring before you some observations in connection with it.

Of course, anything I have to say will be fragmentary, following the words that have been said before, and the first thing I want to do is to reply to the suggestion involved or suggested by the question of the gen-

tleman in the easy chair [Mr. GARRETT] with reference to what further authority is needed by the committees that have been mentioned in these resolutions. I think that there has been practically no lack of interest, but there is a mandate needed. These men have power to do what is necessary, but until Congress, which is theoretically a sovereign power of this Government, takes it up and says that it is necessary that something should be done, the committees are very apt, being burdened, as they are, with other things, to let matters take their natural course.

The CHAIRMAN. We will have to ask you to conclude as quickly as you can.

Mr. WESTERN STARR. I will ask you to tell me how many minutes you can give me.

The CHAIRMAN. We have to go into executive session here in a few minutes. We will hear you for five minutes, when we will have to conclude the hearing for to-day.

Mr. WESTERN STARR. Nature, left alone, will in most cases rectify all the blunders that occur. But it is the art of the position to assist nature, and if we are to allow this situation to take care of itself, undoubtedly it will work itself out in time, but by application of the wisdom of developed observation we will probably be able to assist nature in the solution of this great question, and without the distress that nature alone will involve.

I apprehend that we are touching very close to important fundamentals on this question. Being limited for time, I must be brief in what I have to say. In perfectly normal times there is 2 to 5 per cent involuntary unemployment in this country at all times. It is not always located in the same communities, but there is a total of 3 to 5 per cent involuntary idleness in this country. We now have involved in war enterprises either in uniform or out, not less than 17,000,000 or 18,000,000 of individuals. War industries are being stopped. I was talking with three gentlemen from Pittsburgh this morning. They told me, in answer to the direct question, "We are simply waiting. We are laying off men. We will not take on new men and we can not undertake new enterprises, because we do not know what may happen, and we are not able to go ahead without knowing what we are going to do. We can do nothing until the treaty is absolutely signed except to prepare." And they are living from hand to mouth, and that is so all over the country.

My judgment is that the regulator of wages as to the levels and the volume of employment is always the degree of accessibility to natural opportunities of this country, under a condition that has existed for 50 years, to be practically absorbed. They are not utilized and they are not developed, but they are absorbed and have passed out of Government control into the hands of private individuals or corporations. There is a way of reaching that.

I believe on the question of post roads the one big thing is the annual migration that comes twice every year, in the spring and fall, from the rural districts into the city and from the city into the rural districts, growing out of the fallibility of seasonal occupations. But there is enough to employ all the involuntary idleness by Government work in the form of post roads and highways alone. I offer that merely as a suggestion. That ought not to be done entirely by the Government; the States themselves should take part in it; and I believe a system could be developed under which, following the lines suggested in a recent bill that the Government will provide a certain fund provided the localities furnished a stated fund to keep those men at work with the improvements that should be going on, and the inducements should be sufficient in the form of wages to stimulate the work and keep it going.

When we dislocate 50 per cent of the available producing power of the country—and you are perfectly well aware that the census reports show, fallible as they may be, only 30 to 35 per cent of the people were employed in gainful occupations in this country in normal times, and over half were employed in war industries—and to turn them loose and let them go at their own sweet will, what will happen? We have no inducements to offer in the way of idle, vacant land which the Government owns. We should put them on the land, but not give them title except for use and occupation. That is what we should have done heretofore, but we did not do it. We gave them the land outright, and now it has passed into the hands of speculators.

Mr. CAMPBELL. What land do you mean?

Mr. WESTERN STARR. I mean the great lands of the West—Nebraska, Kansas, Iowa; take those railroad land grants and where is the land?

Mr. CAMPBELL. It is owned by individuals very largely.

Mr. WESTERN STARR. The land grant?

Mr. CAMPBELL. Yes.

Mr. WESTERN STARR. That may be true in certain sections.

Mr. CAMPBELL. It is true all along the line of the Union Pacific.

Mr. WESTERN STARR. Take, then, the Northern Pacific.

Mr. CAMPBELL. I do not know anything about that.

Mr. WESTERN STARR. It is not true along the Northern Pacific.

Mr. CAMPBELL. I know that in Kansas that land is owned by individuals, men on small farms.

Mr. WESTERN STARR. It is not the farmers who are buying farms; it is the banker and the lawyer who are buying farms. The farmers of this country have never made any money agriculturally; they have never made any money by farming. I am talking now of the mass of profits which have been the profits of the land speculators.

Mr. SNELL. Where do you get that sort of information?

Mr. WESTERN STARR. From your own census report. You go to Illinois, Iowa, and Nebraska, and those States, and you will find at the crossroads retired farmers who have rented or sold their farms and who are living in the little towns there and have been there during the last three or four years of their lives.

Mr. FOSTER. You realize that one great drawback—and I do—is that it is the man who lives on the farm and does not own it.

Mr. WESTERN STARR. The tenant farmer is the curse of the country.

Mr. FOSTER. The man who sits in the town and lives off of the farmer out in the country.

Mr. SNELL. That is so in every part of the country. However, the lawyers and bankers buying farms I never heard of before.

Mr. WESTERN STARR. You will find it so. That is literally so, and I can produce testimony in this room of high authority. I would enjoy your questions and am sorry that we have not more time.

POSTAL EMPLOYEES.

And so, gentlemen of the House, you see this most important problem was gone into some time back but nothing was done, and in this connection let me say that the Postal Service is near to my heart. I have a brother, Joel Lundeen, who has served the Government for years in the Railway Mail Service. I have

stood by these boys right along in Congress and out of Congress.

The United States Government is a big employer of labor and should by all means set an example by giving employment to our men. The Post Office Department during the war has curtailed all branches of the service to conserve man power by reducing the force of letter carriers, clerks, and railway mail clerks, by cutting out one delivery a day or more, and by taking service off a large number of railroad trains.

During the last year the department has opened the doors to women as carriers and as railway mail clerks, and, although that may have been the proper step during the war to conserve man power, I believe now that the war is over that the department should only employ men in those branches. This would give employment to many returned soldiers. Women are not physically able to perform this class of labor. The department is to hold an examination for railway mail clerks March 15, 1919, for both men and women between the ages 18 to 35. The employment of women in the carrier or Railway Mail Service was unheard of until a year or so ago. To show the curtailment in the Railway Mail Service from July 1, 1916, to December 31, 1917, taken from official schedules issued by the department, the Merchants' Association of New York spent six months' time collecting data to find the cause for the poor service, and they give the following figures, which pertain to the tenth division, which includes Minnesota, Wisconsin, North Dakota, South Dakota, and northern part of Michigan: Eighty-nine railway post-office trains wholly discontinued, 107 railway post-office trains discontinued in part, which makes 196 railway post-office trains discontinued wholly or in part. That makes 12,983 miles of Railway Post Office Service discontinued, which makes 4,271,084 annual miles of Railway Post Office Service discontinued during that time. Only 24 railway post-office trains have been established, wholly or in part, which makes 1,658 miles, or 538,527 annual miles. So the net service discontinued for the period is 172 trains, with 11,325 miles; all told, 3,723,557 annual miles, which, summarized, means that July 1, 1916, there were 548 trains in operation, of which 172 trains were discontinued, or 31.39 per cent.

It has been estimated that it would take 400 men in this one division to restore the service to where it was July 1, 1916; and that is only 1 division out of 15 which cover the whole United States. For the whole United States there was July 1, 1916, 6,636 railway post-office trains, of which 1,612 railway post-office trains were discontinued wholly or in part, which means that 25.32 per cent of railway post-office trains have been discontinued from July 1, 1916, to December 31, 1917, which when put in miles means that on July 1, 1916, there were 217,462 miles of railway post-office train service, of which 96,178 miles have been discontinued, or 44.23 per cent.

The merchants' association summarizes their report, in part, by saying:

1. That mails are not dispatched with former frequency;
2. That they are not fully worked in transit;
3. That in consequence much "stuck" letter mail is turned into the terminal station, and then materially delayed;
4. That inferior mails move with extreme slowness;
5. That train delays are not a principal cause of slowness in the mails; but that
6. Insufficiency in the number of railway postal cars, their withdrawal from a great number of routes throughout the United States, and the reduction of the crews of railway postal cars appear to be the main causes of the conditions shown.

The Government has no men in its service more intelligent, more faithful, and efficient than the postal employees. Why curtail them? Why treat them unjustly? Not only should their pay be ample, but at the end of the road, when life's sun is setting, they should of a right have a retirement pension, and, gentlemen, I stand ready to vote for the Keating-McKellar bill or any other bill along this line.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LUNDEEN. As far back as the first part of December, 1918, the legislation proposed in my resolution of November 21 was considered of sufficient importance to force the great Rules Committee of the House to take up the question. Hearings were held for two days. Members of Congress, economists, business men, and the Secretary of Labor appeared before the committee in support of the proposition; and at the hearings every member of the committee but one emphatically expressed his approval

of the resolution. In spite of all this, however, no report was made by the committee, and no action was taken by either the committee or the House. What mysterious power prevented action remains a secret.

The unprecedented meeting of the governors of all the States and the mayors of 100 leading cities of the United States called by the President to meet at the White House March 4 is evidence that the extreme and urgent importance of the unemployment problem is at last recognized. But how much better for the unemployed people of the United States would it have been if President Wilson had called this conference of governors and mayors and urged action by Congress last November, when I presented my resolution.

Brazen contempt and heartless neglect of human rights are essentially responsible for the building up of the great fortunes, whose growth is such a marked feature of our development. From the same cause spring poverty and pauperism. "The tramp is the complement of the millionaire." Unemployment is more menacing to the Republic than hostile armies and fleets bent on destruction.

The Independent Labor Party, representing all the labor organizations of Chicago, adopted the following platform the latter part of December, and therein strongly indorses the principle of my unemployment resolution:

THE INDEPENDENT LABOR PARTY PLATFORM.
RIGHT TO ORGANIZE.

1. The unqualified right of workers to organize and to deal collectively with employers through such representatives of their unions as they choose.

DEMOCRATIC CONTROL OF INDUSTRY.

2. Democratic control of industry and commerce for the general good by those who work with hand and brain and the elimination of autocratic domination of the forces of production and distribution, either by selfish private interests or bureaucratic agents of government.

EIGHT-HOUR DAY AND MINIMUM WAGE.

3. An 8-hour day and a 44-hour week in all branches of industry, with minimum rates of pay which, without the labor of mothers and children, will maintain the worker and his family in health and comfort and provide a competence for old age, with ample provision for recreation and good citizenship.

ABOLITION OF UNEMPLOYMENT.

4. Abolition of unemployment by the creation of opportunity for steady work at standard wages through the stabilization of industry and the establishment, during periods of depression, of Government work on housing, road building, reforestation, reclamation of desert and swamp, and the development of ports and waterways.

EQUAL RIGHTS FOR MEN AND WOMEN.

5. Complete equality of men and women in government and industry, with the fullest enfranchisement of women, and equal pay for men and women doing similar work.

STOP PROFITEERING.

6. Reduction of the cost of living to a just level immediately and as a permanent policy by the development of cooperation and the elimination of wasteful methods, parasitical middlemen, and all profiteering in the creation and distribution of the products of industry and agriculture in order that the actual producers may enjoy the fruits of their toil.

ABOLISH KAISERISM IN EDUCATION.

7. Democratization of education in public schools and universities through the participation of labor and the organized teachers in the determination of methods, policies, and programs in this fundamental field.

EXTENSION OF SOLDIERS AND SAILORS' INSURANCE TO ALL WORKERS.

8. Continuation after the war of soldiers and sailors' insurance; extension of such life insurance by the Government without profit to all men and women; and the establishment of governmental insurance against accident and illness and upon all insurable forms of property.

TAX INHERITANCE, INCOMES, AND LAND VALUES TO PAY WAR DEBT AND GOVERNMENT EXPENSES.

9. Liquidation of the national debt by the application of all inheritances above a hundred thousand dollars, supplemented as may be necessary by a direct capital tax upon all persons and corporations where riches have been gained by war or other profiteering, and payment of the current expenses of Government by graduated income taxes, public profits from nationally owned utilities and resources, and from a system of taxation of land values which will stimulate rather than retard production.

PUBLIC OWNERSHIP OF PUBLIC UTILITIES—NATIONALIZATION AND DEVELOPMENT OF NATURAL RESOURCES TO FURNISH EMPLOYMENT FOR RETURNING SOLDIERS AND SAILORS AND DISLOCATED WAR WORKERS.

10. Public ownership and operation of railways, steamships, stockyards, grain elevators, terminal markets, telegraphs, telephones, and all other public utilities, and the nationalization and development of basic natural resources, water power, and unused land, with the repatriation of large holdings, to the end that returning soldiers and sailors and dislocated war workers may find an opportunity for an independent livelihood.

RESTORATION OF FREE SPEECH, FREE PRESS, AND FREE ASSEMBLAGE.

11. Complete restoration, at the earliest possible moment, of all fundamental political rights—free speech, free press, and free assemblage; the removal of all war-time restraints upon the interchange of ideas and the movement of people among communities and nations; and the liberation of all persons held in prison or indicted under charges due to their championship of the rights of labor or their patriotic insistence upon the rights guaranteed to them by the Constitution.

LABOR REPRESENTATION IN ALL DEPARTMENTS OF GOVERNMENT AND ALL GOVERNMENTAL AGENCIES OF DEMOBILIZATION AND RECONSTRUCTION.

12. Representation of labor in proportion to its voting strength in all departments of Government and upon all governmental commissions and agencies of demobilization and reconstruction, and recognition of the principles of trade-unionism in the relocation of soldiers, sailors, and war workers in peace pursuits, with adequate provision for the support and extension of the Department of Labor as the principal agency therefor.

LABOR REPRESENTATION IN PEACE CONFERENCE.

13. Representation of the workers, in proportion to their numbers in the armies, navies, and workshops of the world, at the peace conference and upon whatever international tribunals may result therefrom, with the labor of this Nation represented by the president of the American Federation of Labor and such other delegates as the workers may democratically designate.

AN END TO KINGS AND WARS.

14. Supplementing the league of nations, and to make that instrument of international democracy vitally effective for humanity, a league of the workers of all nations pledged and organized to enforce the destruction of autocracy, militarism, and economic imperialism throughout the world, and to bring about world-wide disarmament and open diplomacy, to the end that there shall be no more kings and no more wars.

The Christian Science Monitor says labor is out for a complete reconsideration and readjustment of its position. This position was defined as clearly as possible in the statement made, quite recently, in the House of Commons by the general secretary of the National Union of Railwaymen. Mr. Thomas left, indeed, little to the imagination:

The organized workers of Great Britain have made up their minds to obtain for themselves an increasing share of the wealth which their labor has produced and produces. The workers of the threefold organization are determined to shorten materially the hours of labor in their respective industries. They are dissatisfied with the system of society which treats their labor power as a mere commodity to be bought, sold, and used as though they were machine-like units in the process of wealth production and distribution, and they therefore demand that they shall become real partners in industry, jointly sharing in determining the working conditions and management.

LABOR'S LAST WORD.

There you have the last word of labor in every civilized country in the world. And labor follows its demand with the question, "What are you going to do about it?" On the statesmanlike quality of the reply, not only of capital but of governments, to that question may depend the future peace of the world. It is the second stage of Armageddon.

Mr. BYRNES of South Carolina. Mr. Chairman, may I be permitted to call the attention of the Chair to the organic act which has been referred to by the gentleman from Massachusetts [Mr. GALLIVAN] and the gentleman from Colorado [Mr. KEATING]?

When this service was established by the appropriation in the sundry civil bill last year it was manifestly subject to a point of order. The opinion of the committee then was that it was so subject. The United States Employment Bureau was established as a war emergency bureau. Now, the gentlemen who seek to have it continued urge that it can be continued by a change of language, because the first section of the organic act contains the declaration of purpose to the effect that the purpose of the Department of Labor shall be to improve the working conditions and advance their opportunities for profitable employment. Mr. Chairman, that is nothing more than a declaration of the purpose of the department.

If that is sufficient legislation to authorize the establishment of a new bureau, then you may as well abolish the Committee on Labor, for it has no further function to perform. The gentleman from Colorado, who argues on the point of order, I know is not in earnest, for before his own committee—the Committee on Labor—is a bill introduced by himself to establish an employment bureau, define its duties, and prescribe its limitations.

Mr. KEATING. Mr. Chairman, will the gentleman yield, just for a moment?

Mr. BYRNES of South Carolina. I will.

Mr. KEATING. I call the attention of the gentleman and the attention of the Chair to this very important point, that this amendment that I have offered here does not establish an employment bureau in the Department of Labor. It gives the Secretary of Labor a lump-sum appropriation to carry out one of the objects set forth in the organic law, which is an entirely different proposition from the establishment of a labor bureau.

Mr. BYRNES of South Carolina. The Chair has heard that and is familiar with it. Under that first section it is sought to be held that the amendment is in order. If that be true, why was it necessary to secure legislation for the establishment of a Children's Bureau? If that be true, why was it necessary to secure legislation to establish a Bureau of Labor Statistics; and why was it necessary to secure legislation for the establishment of a Bureau of Immigration, or why would it be necessary hereafter to secure legislation to establish any bureau under the

Government? The organic act of the Department of Commerce contains a declaration of purpose similar to that which is contained in this organic act establishing the Department of Labor. Is it contended that because that declaration is contained in the organic act of the Department of Commerce the sum of \$10,000,000, or any other sum, can be appropriated for the mere carrying out of the declaration of purpose?

The act goes on in subsequent sections to prescribe duties and to provide the duties of the various bureaus under the Department of Labor; and I want to call the attention of the Chair to the eighth section of the organic act. There it provides that the Secretary of Labor shall have the power to act as mediator and appoint commissioners of conciliation in labor disputes whenever, in his judgment, the interests of industrial peace may require it to be done. It goes on and requires the Secretary of Labor to report back to Congress the result of his investigations, in order that legislation may be had to accomplish the purposes set forth in the organic act.

Again, in section 10, it is provided:

That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

Now, if under the declaration of purpose they have the power to appropriate money to carry on anything they want to do in order to accomplish the purpose, why require the Secretary of Labor to report back to Congress for further legislation to define the duties and the powers of the Department of Labor? Manifestly it would be useless. It is nothing more than a declaration of purpose similar to that contained in the organic act of every department, and if under that the Chair could hold that this should be done, then there is no excuse for the existence of legislative committees in this House or in any other. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I can not allow the gentleman from South Carolina [Mr. BYRNES] to leave the impression on the minds of the Members of the House that this is an attempt to create a new bureau in the Department of Labor. I have read the language of the organic act, and I want to call the attention of the Chair to the fact that as far back as 1915 the Secretary of Labor, basing his action upon the authority granted in the organic act creating the Department of Labor, in a report pointed out that the Department had established, through its division of information, Federal labor exchange branches, with a public employment branch station in 18 employment zones throughout the country. The work of these labor exchanges was fully explained in that report, and the results were tabulated.

And again, in his report in 1916, the Secretary of Labor reported that "The United States Employment Service, now an established agency of this department, is engaged in promoting a beneficial distribution of wage-earning labor throughout the United States by advancing opportunities for profitable employment."

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. BYRNES of South Carolina. Which department or bureau was it—the Bureau of Immigration and Naturalization—under which that was specifically authorized in order to secure employment for aliens?

Mr. GALLIVAN. I do not think it was specifically authorized under the Bureau of Immigration.

Mr. BYRNES of South Carolina. It was.

Mr. GALLIVAN. It was under the Department of Labor. It may have been in connection with the Immigration Service, but I can say to the gentleman that I can recall an employment service in the Department of Labor in my own city before I came to Congress. That is nothing new. This is no attempt to establish a new branch.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. LOBECK. In my own city the Department of Immigration has been entirely separated, and has been from the very beginning, from the Employment Service.

Mr. GALLAGHER. That is only a branch of the Department of Labor.

Mr. LOBECK. The gentleman was speaking of their being together. They are entirely separate.

Mr. MONDELL. Mr. Chairman, as a member of the Committee on Appropriations my natural inclination is to enlarge the jurisdiction of that committee. It would have simplified the task of the committee tremendously in the preparation of

this bill if we had taken the easy and elastic view of our authority and jurisdiction that is now urged upon us by the gentleman from Colorado [Mr. KEATING] and the gentleman from Massachusetts [Mr. GALLIVAN]. But we did not take the view that an appropriating committee could run amuck and appropriate as it saw fit, simply because a service had been undertaken and carried for a short period of time.

I shall not be particularly disturbed, however the Chairman rules. If he rules that we have jurisdiction, it will make the duties of the committee easier. But in my opinion it is rather important, from the standpoint of the legislating committees of this House, that there be left some little jurisdiction for those committees.

Now it is urged in support of this amendment that it is drafted in the language of the organic law of the Bureau of Labor. That is true. But when before has it been claimed that an appropriating committee could appropriate by simply quoting the general declaration of purpose of an act creating a department of the Government?

Mr. HARRISON of Mississippi. Will the gentleman yield one moment?

Mr. MONDELL. Yes.

Mr. HARRISON of Mississippi. On page 160 of this bill, which I presume the gentleman voted to report, in line 13 it says:

For the Department of Labor, \$150,000.

If that is not subject to the point of order, certainly this other provision would not be subject to the point of order.

Mr. MONDELL. That is the regular, ordinary appropriation for the printing for the Department of Labor, provided for by law.

Now, what is the fact with regard to the Department of Labor? It has an all-embracing declaration of beneficial and useful purpose; and, following that very broad and general declaration, the law sets up certain bureaus and agencies within the department and allots to them their duties and responsibilities. If an appropriating committee of the House, by simply quoting the language of an organic act, could appropriate, there would no longer be any necessity for the Committee on Labor or half a dozen other committees in the House whose duties it is to establish new bureaus and to provide new activities. My friend from Colorado did me the honor of quoting from an argument I made in support of an appropriation under the Children's Bureau. But my friend, while he does not claim to be a parliamentarian, is a sufficiently good parliamentarian to understand the very marked and clear and distinct difference between that situation and this. In that case a bureau was established with certain definite functions and responsibilities.

In this case a department is established, in the establishment of which there is a broad and sweeping declaration of general purpose. Of course, in the case of that bureau, any one of the activities delegated to that bureau could be provided for by an item of appropriation. But to say that because a department is established to do certain things therefore you may legislate all over the general field that may be included within that declaration, is to give the appropriating committees all of the jurisdiction which we have heretofore supposed rested with the legislative committees.

Mr. Chairman, certain somewhat questionable decisions connected with items on the Agricultural bill have been quoted. There have been more conflicting decisions on the Agricultural bill and in connection with the items of that bill than in connection with any other appropriation bill in the House. It is true that in some cases the decisions have been rather broad, but in none have they been as broad as is now proposed. I imagine that chairmen, in passing on those cases, may have been influenced by the fact—should not have been, but may have been influenced by the fact—that the Agricultural Committee is both an appropriating and a legislative committee, which has authority to legislate and authority to appropriate, and the only question on the appropriation bill is not, Is this new legislation and therefore outside of the jurisdiction of this committee? but it is, Is this new legislation on a general appropriation bill? And while the fact that that committee both appropriates and legislates should not sway the judgment of the presiding officers, there is no doubt that it has swayed their judgment in some cases. But even in those cases no decision has been as far-reaching as a decision in favor of this particular amendment would be. If this sort of an appropriation is in order on a bill reported by the Committee on Appropriations, then we may very well dispense with the services of half a dozen legislating committees of the House and leave the matter of establishing bureaus and departments and agencies and activities to the subcommittees of the Appropriations Committee.

Mr. SHERLEY. Mr. Chairman, I shall not undertake to take the time of the House by speaking to the merits of the proposal. My view touching the merits that underlie the amendment has been indicated somewhat by the appropriations carried for the Department of Labor in the deficiency bill, which made provision to continue this employment agency until July 1, and before then I hope for affirmative legislation. But the question which is at issue here—and it is an exceedingly important question, very much more important than even the \$10,000,000 that is involved in the amendment—is this: How far a general statement of the purposes for which a bureau or department is established confers upon an appropriating committee without legislative power the right to appropriate any amount of money in the general terms "for the purpose of promoting," and so forth.

I think all of us are apt at times to overlook the importance of the real observance of the rules of the House. If gentlemen who have spoken in favor of the amendment are correct, the Committee on Appropriations absorbs, by virtue of this decision, practically all of the powers of the various legislative committees. And it will have the right simply to take almost any act relative to the creation of any activity of the Government and turn to that part of the language which lawyers might say was in the nature of inducement, but is not really and strictly a power, and on that rest the case. Gentlemen have not undertaken to define the duties—to read the law which defines the duties—of the Department of Labor; but they say, inasmuch as the language says this shall be the purpose of the Department of Labor to do so-and-so, therefore, by starting out with the same generic language in an amendment, it is in order.

The history of the Department of Labor is that it was carved out of the old Department of Commerce and Labor. When this department was separated various bureaus were put into the Department of Labor and various bureaus put into what is now the Department of Commerce.

In order that the whole subject of what might hereafter be given to the Department of Labor should not be foreclosed, there is enumerated first the various bureaus and then it is made the specific duty of the Secretary of Labor to investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

As was suggested by the gentleman from South Carolina [Mr. BYRNES], if the opening part of the act conferred upon the Secretary of Labor the right to do anything whatever that in his judgment would promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and so forth, what folly it is to make one of his specific duties the reporting to Congress what additional legislation might be necessary in order to enlarge his powers. His powers already covering all of creation, so far as they are related to wage earners, it was absolutely unnecessary and foolish to undertake further to define them. I repeat, because it is of tremendous importance to this House and to orderly procedure, if you can take a matter of inducement in connection with these various bureaus and simply by putting the amendment in that general language make it in order, then I say to you it is possible to write as in order anything appropriating any sum of money for any purpose under the sun, and I will guarantee to write an amendment that will be proof against any point of order, if the gentleman's contention is correct.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. PHELAN. It does not necessarily follow that because you direct the Secretary of Labor to advise Congress as to what things should be done he can not do other things, if he has the money, because it might be the duty of Congress, although giving him the power to do certain things, to require him to report back so that Congress might know what to give him money for and why to give it to him.

Mr. SHERLEY. But the language is "legislation to further define the duties and powers of such Department of Labor." The language that the gentleman speaks of does not say that it is the duty to do various things or to have various bureaus, but the general purpose of the Department of Labor, and I submit that if that language is sufficient to tie an appropriation of this kind to, we can simply take the organic act creating any department of the Government and appropriate any lump sum we wish, and leave it to that department under such general language to do with as it pleases.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. LONDON. Would it have been in order to offer an amendment specifying the particular objects for which this money should be appropriated, provided it came within the general purpose for which the department was created?

Mr. SHERLEY. I think not. The distinction has to be drawn between the general purpose and the prescribed duty. Congress creates a department for a general purpose, and it creates all departments for the general purpose of improving the welfare of the citizens of America; but when it comes to defining the particular activities of the departments, it does not rest upon the general ground of promoting the welfare, but it defines certain functions as duties, and I insist that this, therefore, is not in order. Let us see where it would lead. There have been any number of bills introduced in Congress, and they went to the Committee on Labor. That committee had the right, as it had the duty, in my judgment, to recommend legislation dealing with what I think is a serious situation. It has not seen fit to do so, and therefore an effort is made to make of the Committee on Appropriations a medium for carrying through an undigested program, appropriating a lump sum under the general authority of the preamble of the act. I do not believe it is in order so to do.

Mr. KEATING. Mr. Chairman, I want to call the Chair's attention to this significant fact: The gentlemen who are urging this point of order are among the great parliamentarians of the House. They have not cited for the information of the Chair a single decision sustaining their contention, not one decision. In all the history of the House, whenever this point was raised, the Chair has ruled that lump-sum appropriations to carry out the objects of the provisions of the organic law was in order, and these gentlemen, with all their knowledge of the precedents, failed to cite a single decision.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. SHERLEY. I have never before heard anybody contend that general language of inducement could be the basis of such an appropriation.

Mr. KEATING. Mr. Chairman, I submit to the Chair that all of the authorities on that subject cited by the various gentlemen who have discussed it have taken that position.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Certainly.

Mr. NOLAN. Is the gentleman aware of the fact that prior to the declaration of war for two years the Division of Information spent a great deal of money in providing employment to men on the farms and in industries in this country?

Mr. KEATING. I am familiar with that, and yet, anticipating what the gentleman from South Carolina would say, I do not hold that this is in order because of that action.

It is true in the law creating the Bureau of Immigration the Bureau of Information is created, and one of the objects of that bureau is to furnish employment for aliens, and in this great emergency the Secretary of Labor so construed it that some employment was offered to those who were not able to secure employment—at least that is the report.

We base our case squarely on the organic law creating the Department of Labor, and we maintain that all precedents sustain us.

The chairman of the Committee on Appropriations says that if we overrule this point of order the Committee on Appropriations can then absorb the jurisdiction of all the committees of the House. There are several things to prevent that. One is the good sense of the Members of this House. The membership of the House will not permit it to do that; but, in addition to that, Mr. Chairman, Congress will never legislate the entire contents of the Treasury in lump-sum appropriations.

I admit that this is a poor way to provide for an employment bureau. I think that we should have enacted legislation creating an employment bureau in the Department of Labor, but the fact is that we have not. It makes no difference where the responsibility rests. It has not been created, and therefore Members of the House are justified in taking advantage of this extraordinary remedy, a perfectly legal remedy, not one to be used every day, but to be used upon such an occasion as this, when a real crisis confronts the Nation. Congress has been derelict in its duty in enacting legislation, and you must go back to the organic law creating the bureau or the department and find there, if you can, a clear authority for the thing you are attempting to do, and then, instead of attempting to create a bureau with all its employees, give a lump-sum appropriation to the chief of the bureau or the secretary of the department and trust to his honesty and to his wisdom in administering it. This is the proposition we submit, Mr. Chairman.

Mr. BYRNES of South Carolina. Mr. Chairman, just one minute. I only desire to call the attention of the Chair with reference to the statement urged that prior to the establishment of the employment service in the last sundry civil act an employment bureau existed, that it existed by reason of specific legislation authorizing the establishment of a division of information and prescribing the duties of such division, that it should promote the beneficial distribution of aliens admitted into the United States. Now, in reference to the statement of the gentleman from Colorado that no precedent has been cited, whereas they have offered precedents, I desire to say that the precedent cited by the gentleman from Missouri related to a ruling upon a point of order which held that the establishment of a bureau was not in order, but an appropriation for an investigation was in order under the act of May 25, 1900, enlarging the powers of the Department of Agriculture; that an appropriation for an investigation was in order because there was specific legislation contained; that the Secretary of Agriculture may, from time to time, collect and publish useful information as propagation, uses, and preservation of such birds and other authorizations, directing the Department of Agriculture to make such investigation. Now, as to the statement made by the gentleman from Mississippi that this bill, on page 160, carries a general appropriation for the Department of Labor, that appropriation, as the gentleman from Mississippi ought to have known, is only for printing and binding, and is made under the subhead, "For printing and binding," and he ought to have known that if he did not. [Cries of "Rule!"]

The CHAIRMAN. The Chair is ready to rule. The gentleman from Massachusetts offers an amendment to insert a new section, as follows:

To enable the Secretary of Labor to advance the opportunities for profitable employment of the wage earners of the United States there is hereby appropriated out of available moneys in the Treasury \$10,023,000—

And so forth.

To that amendment the gentleman from Texas [Mr. BLANTON] and the gentleman from New York [Mr. GOULD] make the point of order. Arguing the point of order, the gentleman from Massachusetts and other gentlemen who have discussed it cited certain language in the organic act which create the Department of Labor. That language is:

The duties of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

That language is relied upon, as the Chair understands, to make this amendment in order. The House has always been extremely careful in conferring the legislative power upon committees; at least it has been so for 50 years. It has withheld from the Committee on Appropriations any power of legislation, and, naturally, having withheld that power, it has provided that no amendment to an appropriation bill if it carried legislation should be in order if offered on the floor of the House. This is very peculiar language as contained in this organic act. If the Committee on Appropriations could have rightfully brought in a proposition such as contained in the amendment of the gentleman from Massachusetts, and, of course, if it could not have, why an amendment from the floor of the House would be subject to the point of order. The Chair is unable to see where the limit on the Committee on Appropriations would end. If this—well, something like the whereas of a resolution—should be held to authorize appropriations by the Committee on Appropriations, why there is absolutely no limitation that you could put upon your Committee on Appropriations.

And, of course, if the Appropriations Committee could bring in a proposition any amendment from the floor would be in order. The Chair thinks this amendment that is offered by the gentleman from Massachusetts makes new legislation, not authorized by any existing law, and that therefore it is obnoxious to the rule of the House. Therefore, the Chair sustains the point of order.

Mr. GALLIVAN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee? The gentleman from New York [Mr. DONOVAN] will take the chair.

The CHAIRMAN (Mr. DONOVAN). The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 114, noes 58.

So the decision of the Chair stood as the decision of the committee.

The CHAIRMAN. The Clerk will read.

Mr. LONDON. Mr. Chairman, I rise to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. LONDON. As a section for the purpose of continuing the present system of unemployment exchanges, the sum of \$10,000,000.

Mr. BLANTON. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BYRNES of South Carolina. Mr. Chairman, I make a point of order on that.

Mr. BLANTON. I make a point of order. It is new legislation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 152, after line 20, insert, as a new section, the following:

"For the purpose of continuing the present system of unemployment exchanges, \$10,000,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that it is new legislation.

The CHAIRMAN (Mr. GARRETT of Tennessee). The gentleman from Texas makes the point of order.

Mr. LONDON. Mr. Chairman, before the Chair rules on the point of order I desire to draw the following distinction between the previous motion and this amendment. The principal objection which was raised to the amendment previously offered was that it repeated the language of the organic law, which was too indefinite. The objection to the amendment was that it was as vague as the organic law itself. In this case I provide for the continuance of a function undertaken by the Department of Labor and which comes fairly within the general purpose for which the department was created.

The CHAIRMAN. Will the gentleman cite the Chair to that statute?

Mr. LONDON. Yes. The statute reads that it is one of the functions of the Department of Labor to increase opportunities of profitable employment, to increase the opportunities of the wageworker for profitable employment. Now, if the Chair will bear with me for a moment, the Labor Department was created for the purpose of promoting the general welfare of labor, and among the functions of the Department of Labor one is to increase the opportunities for profitable employment. Now, it was with the object of increasing the opportunities for profitable employment, of minimizing unemployment, of minimizing involuntary idleness, that a national system of unemployment exchanges was created, so as to bring the man and the job together. I am not arguing the merits of my amendment, but it is necessary to understand the object of maintaining a system of unemployment exchanges in order to realize that the function which the department is now exercising is squarely within the purpose for which it was created.

The CHAIRMAN. Now, does not that go back to the very proposition upon which the Chair ruled; that is, is not the gentleman predicating his amendment and his argument upon that general language which the Chair has just held was not sufficient to authorize an appropriation?

Mr. LONDON. No. I am predicating it on two facts. I can realize—

The CHAIRMAN. I mean the law. I do not mean the facts.

Mr. LONDON. The law. I realize that an amendment calling for an appropriation of \$500,000,000 to the Secretary of War to carry out the purposes for which the War Department was created would be out of order.

But my amendment is confined to one specific duty, to one particular item, to a limited function, and that function is not the creation of something new, but the continuance of an existing system of unemployment exchanges, now maintained by the Department of Labor, and for which an appropriation has been carried in an appropriation bill during the war and for which an appropriation is carried in the deficiency appropriation bill.

The CHAIRMAN. Let the Chair say this to the gentleman, although it is not the custom of the Chair ordinarily to say that: The Chair can not reflect, or ought not to reflect, his legislative views in his parliamentary decisions. The present occupant of the Chair has never, so far as he is conscious of it, reflected a legislative view in a parliamentary decision. The Chair is not passing now upon the wisdom or unwisdom of the proposition, but the Chair is only passing on the parliamentary situation. We must preserve the integrity of the rules of the House. Otherwise we would be in constant chaos.

Now, that upon which the Chair wishes to hear the gentleman is how his amendment can be justified under the law.

Mr. LONDON. Exactly. That is what I was addressing myself to.

The CHAIRMAN. Whether the gentleman's amendment and his argument do not go back to the exact proposition upon which the Chair just ruled.

Mr. LONDON. Oh, no. The Chair previously ruled that the appropriation, couched in the language of the organic law, which is vague and indefinite and which permits the branching out into hundreds of activities, is too general to be admitted under an appropriation act. But in this case I again call the attention of the Chair to the fact that I am narrowing down the appropriation to one distinct item.

The CHAIRMAN. Where is the statute which authorizes the United States Employment Service?

Mr. LONDON. It does by authorizing and directing the Secretary of Labor to devise means to increase the opportunities of profitable employment.

The CHAIRMAN. That is the very language that was quoted in the amendment offered by the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. LONDON. I know; but what the Chair objected to before was the use of the very expression of the statute, "to increase the opportunities for profitable employment."

The CHAIRMAN. It seems to the Chair that that would present a stronger case than the indefinite language. Is there a statute anywhere that authorizes unemployment exchanges?

Mr. LONDON. There is no statute which in so many words authorizes unemployment exchanges, but there is this legal situation before you: The department is created for the purpose of increasing the opportunities for profitable employment. In the course of the life of the Department of Labor it has been found that in order to increase the opportunities for profitable employment it has become necessary to create a clearing house, a network of unemployment exchanges, so as to enable the jobless man to find his job and to bring the man and the job together. That function is now being exercised by the Department of Labor, and the Chair must take judicial notice of the fact that the Department of Labor is now exercising that function.

And furthermore, the presumption exists that no department of the Government is violating the law. The Secretary of Labor is now, under the law under which his department was created, maintaining a system of unemployment exchanges.

The CHAIRMAN. Of course, the department is not violating the law, but the authority under which the department is operating in the employment exchange was carried in an appropriation bill at some time; I mean the money with which it is operating—

Mr. LONDON. Not in so many words—

The CHAIRMAN. Which possibly would have been subject to a point of order if it had been made at the time. The decision of the Chair does not indicate that the department has been violating the law in any way.

Mr. LONDON. I understand that that was not the object of the decision.

The CHAIRMAN. Has the gentleman from New York concluded?

Mr. LONDON. Yes. Of course, I know that there is no law which in so many words authorizes the establishment of unemployment exchanges for the next fiscal year.

Mr. CALDWELL. Mr. Chairman—

The CHAIRMAN. The gentleman from New York [Mr. CALDWELL] is recognized.

Mr. CALDWELL. Mr. Chairman, the Chair has asked for a citation of the law that would justify the amendment of the gentleman from New York [Mr. LONDON]. I have listened with a great deal of care to the arguments both for and against this amendment, and I particularly call the attention of the Chair to the wording of this statute, as applied to the amendment just offered. If the Chair has before him volume 37 of the public laws, part 1, page 736, chapter 141, the next to the last sentence in the paragraph reads—

The purpose of the Department of Labor shall be—

Then there are several other words of general character—to advance their opportunities for profitable employment.

Now, that is not a general, glittering power. It is a duty, and it is specific. It is a duty that is imposed by law, and if this Congress passes a law of that kind, it is the duty of this Congress, if it expects the department to carry out the will of the Congress of the United States, to appropriate the necessary moneys to enable it to be carried out. And if it is our duty to appropriate under the existing law, then it is not new legislation, and it is not expanding the authority of the Committee on Appropriations. It is not robbing any committee of its legislative function, but it is the plain intentment of the statute that here and now, at this time, the Congress of the United States in its general appropriation should supply the

Department of Labor with money enough to do that which this statute says they shall do, and it seems to me very plain.

Now, no decision that has been quoted here has been differentiated or explained. Every precedent that has been cited applies to this case, and no precedent has been cited against it, and no one of the precedents cited has been differentiated; and with all due respect, I do not think the Chair was right in the other decision, and certainly is not justified in ruling this amendment out of order.

The CHAIRMAN. So far as the other ruling was concerned, that is res judicata, for it has been sustained by the committee.

Mr. CALDWELL. The committee has sustained it, and I meant no reflection whatever on the Chair.

The CHAIRMAN. The Chair understands that.

Mr. GORDON. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. GORDON. Would Congress have authority to appropriate a thousand million dollars and authorize the Secretary of Labor to go out and hire everybody who was out of a job and put him to work?

Mr. CALDWELL. No.

Mr. GORDON. Why not? That is furnishing more direct employment than your agency would.

Mr. CALDWELL. The proposition of the gentleman from Ohio would go outside of the fundamental law. Here a duty is imposed upon the Department of Labor, and it being a duty, it is necessary for us to appropriate the money necessary to enable it to perform that duty, and is therefore naturally a matter for the Committee on Appropriations.

The CHAIRMAN. The reason the Chair did not refer to the precedents that were cited in the argument made upon the point of order to the amendment offered by the gentleman from Massachusetts was that the Chair did not think there was one of those precedents that was on all fours at all with this proposition. The Chair thought that, in so far as the precedents cited were concerned, the amendment presented a de novo proposition. That is why the Chair did not refer to the decisions that were suggested as possible precedents. Now, coming to the amendment offered by the gentleman from New York [Mr. LONDON], it reads as follows:

Page 152, after line 20, insert as a new section:

"For the purpose of continuing the present system of employment exchanges, \$10,000,000."

All that has been cited is the very language that was cited in the argument upon the amendment offered by the gentleman from Massachusetts. No statute has been directed to the attention of the Chair other than the general language upon which the Chair undertook to pass. The Chair thinks it stands exactly as the other amendment stood, and sustains the point of order.

Mr. DECKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DECKER: Page 152, after line 20, insert as a new section:

"For expenses of Department of Labor, made necessary by the act of March 4, 1913, entitled 'An act to create a Department of Labor,' \$10,000,000."

Mr. BLANTON. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GALLIVAN. I should like to have the gentleman give some reason for the point of order.

Mr. BLANTON. Because it is legislation and not germane.

Mr. GALLIVAN. It is not new legislation.

The CHAIRMAN. The Chair thinks that this clearly falls within the same lines we have been discussing, and the Chair sustains the point of order.

Mr. DECKER. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman, although the Chair has sustained the point of order.

Mr. DECKER. Mr. Chairman, the Chair has repeatedly asked for some act to base the appropriation on. I wish the Chair for a moment to consider the fact that I base this amendment on the original act.

Now, it may be that Members of this House, or it may be that the Chairman, do not think that \$10,000,000 is necessary to carry out the expenses of the bureau created by the original act. But that does not make it out of order. That, I submit, is a question for the good judgment and conscience of Members who sit in this body. I can not see on what ground, by whatever stretch of the imagination, or by what discrimination of logic—

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Has not the Chair sustained the point of order?

Mr. DECKER. He has, but he is listening to me. [Laughter.]

Mr. CANNON. A very patient man. [Laughter.]

Mr. DECKER. He is.

Mr. BLANTON. Mr. Chairman, a point of order. I submit that the gentleman is attempting to argue the merits of the amendment and not addressing himself to the point of order.

The CHAIRMAN. The Chair thinks the gentleman from Missouri is speaking to the point of order.

Mr. DECKER. Mr. Chairman, I think I know the difference between the merits and the point of order, and, knowing that he is a learned judge, I would not presume to place myself in the class of a jurist, like the distinguished gentleman from Texas, but I do submit, and I claim the clemency of the Chairman, who knows my frailties and limitations better than the gentleman from Texas, to speak on the proposition which looks to me simple. If it is not simple it is not my fault. That is this, that once upon a time the Congress of the United States created a Bureau of Labor. The Congress of the United States provided for certain officers and expenditures of that Bureau of Labor, and to-night, as a Member of this body, I offer an amendment which says that for the expenses of carrying on that Bureau of Labor we shall appropriate, instead of what has already been appropriated, the large sum of \$10,000,000; and if the distinguished Chairman will allow that to be in order, as I think it is in order, I would like to discuss with the distinguished jurist from Texas the merits of the question. But, so far as it being in order, it may be a fool amendment, it may be unwise, it may be radical, but that is for me and gentlemen who represent their constituencies to take upon their consciences and exercise their judgment. [Applause.]

I know something about the rules of logic. I am not a parliamentarian, but if the expenditures of the Bureau of Labor are now \$1,000,000, I claim the right to make it \$10,000,000, according to the original act, and then the gentlemen can stand in their places and vote aye or no, whether they want to spend that much money for the sake of the toilers of this land. [Applause.]

The CHAIRMAN. The Clerk will read.

Mr. DECKER. I did not hear the ruling, and I most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BRAND took the chair.

The question was taken; and on a division (demanded by Mr. DECKER) there were 106 ayes and 33 noes.

So the decision of the Chair stands as the judgment of the committee.

Mr. GARRETT of Tennessee resumed the chair.

The Clerk read as follows:

The paragraph of the deficiency appropriation act approved July 8, 1918, which increased the compensation of certain employees of the Government Printing Office during the period of the war and for six months after the proclamation of peace, shall continue in effect until June 30, 1920.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph to ask the gentleman from South Carolina a question. What increase did this provide on July 8, 1918?

Mr. BYRNES of South Carolina. Fifty to sixty cents an hour in certain cases and sixty to sixty-five in other cases.

Mr. WALSH. The schedule of increases based on compensation received at the time?

Mr. BYRNES of South Carolina. For linotype operators, printers, proof readers, and so forth.

Mr. WALSH. Why is it desired to extend this time until June 30, 1920?

Mr. BYRNES of South Carolina. For the reason that if it is not done then there will be a considerable reduction in the pay of the employees at that time, when all other employees of the Government are receiving an increase. In justice to them it does not look fair at this time, when the compensation of all other employees is being increased, not to give to these men an increase that it granted them during the war until the end of the fiscal year. It does not carry beyond the fiscal year.

Mr. KEATING. Mr. Chairman, I have not the figures here, but my recollection is that if you eliminate this paragraph the members of the typographical union in the Government Printing Office would be receiving considerably less than the members of the other printing offices around town.

Mr. WALSH. Of course that will be so after June 30, 1920. Is it intended that before June 30, 1920, not only these Government employees but the others shall secure legislation making these increases permanent?

Mr. BYRNES of South Carolina. So far as the committee is concerned of course we have no such intention at this time and make no declaration as to what will then take place. We hope that by action of Congress there will be some classification of salaries by that time that will be fair to all, but it did seem to us that it would be unfair at this time to cause a reduction in the salaries of these particular employees of the Government when all the others are being increased.

Mr. WALSH. I understand that the \$240 bonus which has been provided in the legislative, executive, and judicial appropriation bill runs until June 30, 1920.

Mr. BYRNES of South Carolina. Yes.

Mr. WALSH. The increase that is granted to the Government Printing Office employees was not fixed upon that basis at all. It was an increase upon a schedule from 50 cents to 60 per hour, according to the class of work done, and when that increase was originally granted it was to continue until the termination of the war and for six months thereafter, and by that language they were given at the time it was granted apparently a longer period in which they would enjoy that increase than those who were given the \$120 bonus last year; but that seems to me no reason why we should provide now that they should go to June 30, 1920.

Mr. BYRNES of South Carolina. The bonus of \$240 will apply to all employees until June 30, 1920.

Mr. WALSH. And not to these employees?

Mr. BYRNES of South Carolina. And these employees would be receiving a decrease in their salaries without the application of the bonus.

Mr. WALSH. Do these employees get the \$240 bonus?

Mr. BYRNES of South Carolina. They do.

Mr. WALSH. And this additional compensation besides?

Mr. BYRNES of South Carolina. The bonus means about 33 cents a day. The committee took the trouble to figure it out in order to ascertain the justice of this claim. The increase that was given by Congress to these men amounted in their case to at least 40 cents a day. It means that if they get the \$240 they are decreased 7 or 8 cents anyway in a day.

Mr. WALSH. I do not quite understand the gentleman's mathematics. They get a \$240 bonus?

Mr. BYRNES of South Carolina. Yes.

Mr. WALSH. And by this provision they get a further increase?

Mr. BYRNES of South Carolina. The same compensation they have been receiving; and since last year they get the \$120.

Mr. WALSH. And beginning July 1 they will get \$240?

Mr. BYRNES of South Carolina. Yes.

Mr. WALSH. And then they will get, further, 40 cents a day?

Mr. BYRNES of South Carolina. No. If they are not permitted to continue to receive it, it means that their compensation will be reduced at least 7 cents a day, and in some cases it goes up to 20 cents or 25 cents a day; and I can say to the gentleman that the committee figured it out most carefully, and they are of opinion that we should not reduce the wages of these people.

Mr. WALSH. Mr. Chairman, I withdraw the point of order.

Mr. JUUL. Mr. Chairman, I have the greatest respect for the law-drafting ability of gentlemen who attend to the doing of such things in the city of Washington, but would it not be possible to give a man 40 cents or 50 cents a day more than he was getting without putting the increase into bills in a manner so that it takes two of the greatest experts on the floor of the House to understand what you are doing, leaving the other 400 men not understanding it at all?

Mr. BYRNES of South Carolina. I agree with the gentleman entirely.

Mr. JUUL. It seems to me that if you want to give a man a dollar more a day, it could be put into a bill so that even a man from out in my country could understand it. [Laughter.]

Mr. BYRNES of South Carolina. I agree with the gentleman.

The Clerk read as follows:

For the War Department, \$1,000,000: *Provided*, That the sum of \$3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War, and not exceeding \$50,000 shall be available for printing and binding under the direction of the Chief of Engineers.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. What bulletins are to be printed from this appropriation of \$1,000,000 for the War Department for the instruction of the medical officers?

Mr. BYRNES of South Carolina. The \$3,000 item?

Mr. WALSH. Yes.

Mr. BYRNES of South Carolina. The exact information that is to be contained in the bulletins I do not know. The statement was that they want to issue some bulletins for the instruction of the surgeons in the Army. I suppose from time to time that is done. It seems to me it ought to be done. It seems to me they ought to be able to secure the benefit of the information that the Surgeon General can secure.

Mr. WALSH. I suppose this information will be taken from textbooks or medical works of some character?

Mr. BYRNES of South Carolina. No; it may be the result of research, and that is what I imagine is the purpose, that the result of the research will be communicated to surgeons of the Army so they may be able to keep up with the progress in medicine.

Mr. WALSH. Does either of the gentlemen know whether this covers the publication of the bulletin issued by the War Department in connection with the rehabilitation work?

Mr. BYRNES of South Carolina. No; I do not. That was not for the instruction of medical officers, and I am satisfied it is not included in it.

Mr. WALSH. I withdraw the point of order.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed \$47,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution No. 13, approved March 30, 1906, and also including not to exceed \$200,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, \$600,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word to inquire why this increase of a half in the appropriation?

Mr. SHERLEY. They had in 1918, \$650,000; in 1919, \$600,000, and this is the same amount.

Mr. WALSH. I discovered I was in error and I withdraw the pro forma amendment.

The Clerk read as follows:

For the Department of Labor, \$150,000.

Mr. JUUL. Mr. Chairman, I just wish to ask the chairman of the committee, in line 13, for the Department of Labor, \$150,000. What is that for?

Mr. SHERLEY. That is for printing and binding for the department.

Mr. JUUL. Now, may I be permitted to ask another question?

Mr. SHERLEY. Yes, sir.

Mr. JUUL. Could that item here carry \$10,000,000 or carry any other thing without being subject to the point of order?

Mr. SHERLEY. It would be in order to increase the amount in any sum, but if it were increased it could only be spent for printing and binding.

Mr. JUUL. The gentleman's idea is that this body does not possess power under existing law to increase to any sum the money of any item that is in here and then utilize the money for employment?

Mr. SHERLEY. No. It has to be utilized for the purpose for which it is appropriated, and in order to be carried for that purpose it must be authorized by existing statute law. Now, I am glad the gentleman asked the question that I may say this: The other matter is over, and I do not care to revive it.

Mr. JUUL. The gentleman understands I am not speaking in criticism.

Mr. SHERLEY. I understand.

Mr. JUUL. I am trying to see if this body possesses the power while handling this bill to meet an emergency that to me seems to have arisen. Do we possess the power in any way to-night to add to any item the sum necessary to maintain these employment bureaus?

Mr. SHERLEY. Well, I do not think there is any place in the bill where you could increase amounts for the purpose of carrying on the employment bureau for next year. The gentlemen will recall I carried in the bill which passed the House to-day an appropriation of \$1,800,000 for the express purpose of carrying on the employment bureau until July 1, and I did that in connection with the deficiency bill because we had made an appropriation for the fiscal year that ends in July, which turned out to be insufficient, and I felt under present conditions we ought to carry a sum sufficient to carry that department until the 1st of July, and personally, speaking just for myself, I also believe that there is a certain amount of activity that ought to be carried on after that date in connection with the demobilization and with the present condition in the labor market, but I think that ought to be done through a provision that would indicate some direct pur-

pose rather than in the loose way that would have resulted if we had undertaken without authority to put it on this bill, and I spoke to the point of order not because of the merit of the proposal, with which I had a great deal of sympathy, but because it is the duty of the chairman of the committee to protect the bill and because the effects of these rulings upon legislation in the future are very widespread and far-reaching.

Mr. JUUL. Then the gentleman's verdict is we are absolutely helpless to remedy this condition?

Mr. SHERLEY. Well, not to remedy it permanently, but to do it by an amendment on this bill at this time. There is no reason why Congress should not deal with the situation long before the 1st of July.

Mr. JUUL. This would be the only opportunity between now and March 4?

Mr. SHERLEY. I do not know. You can suspend the rules in a day or two.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17. An act to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes; and

H. R. 357. An act conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States.

The message also announced that the Senate had passed with amendments the bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15706. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 5559. An act to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes;

H. R. 2012. An act for the relief of Mrs. W. E. Crawford;

H. R. 5989. An act to grant certain lands to the town of Olathe, Colo., for the protection of its water supply;

H. R. 7362. An act to authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water;

H. R. 10394. An act to add certain lands to the Minam National Forest, Oreg.;

H. R. 11219. An act providing for the appraisal and sale of the Gig Harbor abandoned military reservation in the State of Washington, and for other purposes;

H. R. 11368. An act to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for a certain-described tract of land;

H. R. 12082. An act authorizing the sale of certain lands in South Dakota for cemetery purposes;

H. R. 12579. An act to grant to citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove such timber to Malheur County, Oreg.;

H. R. 12860. An act granting to members of the Army Nurse Corps (female) and Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employees of the Army pay and allowances during any period of involuntary captivity by the enemy of the United States;

H. R. 13042. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act;

H. R. 13056. An act to grant to citizens of Modoc County, Cal., the right to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove such timber to Modoc County, Cal.;

H. R. 13482. An act creating a commission for the maintenance, control, care, etc., of the Perry's victory memorial on Put in Bay Island, Lake Erie, Ohio, and for other purposes;

H. R. 15495. An act to amend an act to provide for the appointment of a commission to standardize screw threads; and

H. J. Res. 358. Joint resolution authorizing and directing the payment of the usual compensation of Representatives in Congress to those Members of the House who have been discharged from their military or naval duties.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5553. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 5554. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the Supreme Court of the United States, \$15,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. That is peculiar language, and I would like to ask the chairman of the committee whether he thinks the words "unless it shall otherwise order" are necessary?

Mr. SHERLEY. The purpose of that, I think, is to enable the Supreme Court, if in its judgment it thinks it necessary, to have certain printing done other than in the Government Printing Office.

Mr. MOORE of Pennsylvania. As it reads it would appear as if the Supreme Court might have the printing done where it pleases unless it reverses itself. The expression is an odd one—"unless it shall otherwise order."

Mr. SHERLEY. I think that language is a little peculiar. It has been there a number of years. I do not know its ancestry or history, but the purpose of it is to give to the Supreme Court liberty to do its printing where it desires.

Mr. MOORE of Pennsylvania. Does the gentleman say that language has been used heretofore?

Mr. SHERLEY. I am quite sure it has. I think it was put there before my time in the Congress.

Mr. MOORE of Pennsylvania. I should hesitate very much to have the Congress reflect upon the Supreme Court in this way and to indicate it might do this thing unless it thought it wise to do otherwise.

Mr. SHERLEY. Well, the Supreme Court has power, of course—

Mr. MOORE of Pennsylvania. If the gentleman is satisfied with the language, I will not move to strike it out. I thought perhaps those words "unless it should otherwise order" were not necessary.

Mr. SHERLEY. We have followed the routine of previous bills.

Mr. MOORE of Pennsylvania. If the court has the power to have the printing "done by the printer it may employ," why add "unless it shall otherwise order"?

Mr. SHERLEY. I suppose somebody put that in in order that by the employment of one printer it might not be compelled during the fiscal year to use only that printer.

Mr. MOORE of Pennsylvania. Well, if the gentleman is satisfied I am.

The Clerk read as follows:

For the Library of Congress, including the copyright office and the publication of the Catalogue of Title Entries of the copyright office, and binding, rebinding, and repairing of library books, and for building and grounds, \$200,000.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question.

The Library of Congress has been for some years publishing some documents giving the result of researches in historical subjects, which documents are, in my opinion, of unusual and extraordinary value. Their publication was nearly all discontinued about two years ago. Upon inquiry I found it was because of lack of funds. I assume that the only provision in the bill which might furnish funds for these publications is in this paragraph. If I am incorrect, I would like to be corrected.

Mr. BYRNES of South Carolina. I will say to the gentleman this amount is all they asked, and when you vote for it you give them all they ask. They asked for \$200,000, and this bill carries \$200,000.

Mr. MILLER of Minnesota. That certainly is as generous as the committee could expect to be. But may I inquire further, then, if the committee has in its estimates from the Library of Congress the completion of the publication of some of these items? I refer to one in particular, although there are several, which is the publication of the Records of the Continental Congress. It has all been completed but two volumes. It is of distinct value throughout the country. They have the material;

the manuscript is waiting and accumulating dust. May I ask the gentleman if the estimates included these items?

Mr. BYRNES of South Carolina. No; I must say we have no information as to the status of the particular documents that they have, but I am satisfied if they did not ask for more than \$200,000 they must have based that largely on the work they have on hand and with a view of completing the publications to which the gentleman refers.

Mr. MILLER of Minnesota. May I ask the gentleman this question, then? The language indicates to me that this appropriation covers two subjects, if I may use that language.

First, the binding and rebinding of general books that are on the shelves of the Library of Congress; also the binding of such publications as I have just referred to. Am I correct in that assumption?

Mr. BYRNES of South Carolina. It covers all their binding. It is the only fund that they have, and any binding that they have is covered by this fund.

Mr. MILLER of Minnesota. Does that compare favorably with the amount appropriated two years ago?

Mr. BYRNES of South Carolina. It is the exact sum that they have had for five years.

Mr. MILLER of Minnesota. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the Interstate Commerce Commission, \$130,000, of which sum not exceeding \$10,000 shall be available to print and furnish to the States at cost report-form blanks.

Mr. ESCH. Mr. Chairman, I ask unanimous consent to have printed in the RECORD a letter from Chairman Daniels, of the Interstate Commerce Commission, inclosing a letter received by him from Commissioner Prouty, director of the division of values, on the subject of the use of cars in connection with parties engaged in valuation work. There was some comment made on this subject matter when that item was before the House.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to have printed in the RECORD the letter indicated. Is there objection?

There was no objection.

Following is the correspondence referred to:

INTERSTATE COMMERCE COMMISSION,
Washington, February 27, 1913.

HON. JOHN J. ESCH,
House of Representatives, Washington, D. C.

DEAR SIR: In view of the fact that the question has recently come before the House as to the character of equipment used by valuation parties of the Interstate Commerce Commission, I requested from the director of valuation a memorandum relating to the character of this equipment.

A copy of the director's reply is submitted herewith.

Very truly, yours,

W. M. DANIELS, Chairman.

FEBRUARY 26, 1913.

HON. WINTHROP M. DANIELS,
Chairman Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: You ask me to state the character of equipment which is used for the housing of our road and track parties engaged in valuation work.

Very early in this work it became apparent for reasons which need not be stated here that, except in the most densely populated parts of the country, it would be necessary to subside our parties in cars which would contain the instruments and records necessary for field work, and would house and feed our men. The first of these cars were provided by taking two freight cars for each party and fitting up the interiors with bunks, a computing room, and a kitchen.

While these outfit cars have never been altogether satisfactory, they have been continued in use during the whole period of our work, and are still in service, with the exception of two or three cars in the southern district, which have been turned back to the railroads when the party using them was disbanded.

After trial of this plan, it was suggested that a better and more economical arrangement might be worked out by using Pullman tourist cars which had been discarded as worn out by that company. A contract was finally entered into with the Pullman Co. to refit a certain number of these cars, strengthening them so as to be available for service in passenger trains, providing a kitchen with cooking apparatus in one end and a computing room in the other, etc., etc. The cars were thoroughly overhauled in every respect and freshly painted. The price paid by the Government was approximately \$3,000 per car.

These cars have proved fairly satisfactory. As our parties are gradually being disbanded they are offered for sale. Five of them have already been advertised and bids recently opened. The highest bid received is \$1,000 per car.

Respectfully,

(Signed) C. A. PROUTY, Director.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or other Government establishments, except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required

by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein; all other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. If I understand correctly the purpose of this paragraph, it is that none of the departments that receive money from any appropriations made in this bill can have printed at the Government Printing Office any publication, bulletin, monograph, or report, except such as may be authorized by law or specifically provided for herein, or except as shall be certified in writing to the Public Printer by the respective heads or chiefs of the bureaus and departments as necessary in order to conduct the routine business of these departments. Can the gentleman having this measure in charge state how many of these certificates the Government Printer has one file, certifying to the necessity of these many, many publications, magazines, bulletins, monographs, autographs, and photographs that have been published at the Government expense during the past two years?

Mr. BYRNES of South Carolina. I have no information from the Government Printing Office that they have thousands, or even hundreds, of certificates. I know that the Printing Office does require orders from the departments for every bit of printing that it does; every requisition. I do not think it is abused at all. I have no information that it is.

Mr. WALSH. Does the gentleman think that the right of publication of these various documents by the different departments has not been abused?

Mr. BYRNES of South Carolina. I mean under this fund. If the gentleman means that the departments may have been refused their right to publish bulletins, or if he reflects on the character of the bulletins they have issued, I will not take issue with him. But I mean that they have not committed any abuse under this paragraph.

Mr. WALSH. Of course I know that the gentleman is a very busy and competent member of this most important committee, and that he has to give a great deal of time to the preparation of the legislation which it reports. But it would seem to me that there are several departments which receive their most important and essential appropriations under the provisions of this act that are having printed bulletins and other publications which, if they are certified in writing to be necessary to conduct the ordinary and routine business required by law of such executive departments, we either should amend this law or we should require the chief or his assistant, who signs the certificate, to read the document before he signs it, because there are a great many of these publications that have been issued that certainly are not necessary to conduct the routine business of the department, and I think they are a hindrance, because they require additional help to send them out and prepare them and issue them. Some of them are sent out in expensive wrappers and scattered hither and yon at a great expense to the Government for transportation by mail. I had hoped that the gentleman might have given some information on this subject.

Mr. BYRNES of South Carolina. I would state to the gentleman that in the legislative bill there is a provision giving the Joint Committee on Printing authority and direction to investigate allotments in order that some of the work that the gentleman refers to and complains about may be eliminated.

Mr. CANNON. Mr. Chairman, will the gentleman yield to me for a minute?

Mr. BYRNES of South Carolina. I will.

Mr. CANNON. I want to make an observation, hoping that the time will come before a great while when there will be a severe censorship as to Government documents. There are services paid for from the Public Treasury, propaganda touching almost every conceivable subject, in the name of education, in the name of information, that, in my judgment, are very improper, but you can not undertake to regulate it to-night.

Mr. STAFFORD. If the gentleman will permit—

Mr. CANNON. Yes—

Mr. STAFFORD. The very practice which the gentleman seeks to criticize has been prohibited in an amendment that was offered in the Senate and was adopted by the conferees on the legislative, executive, and judicial appropriation bill.

Mr. CANNON. I am very glad to hear it. Speed the day when it will go into effect!

The Clerk read as follows:

For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference, directories, books, miscellaneous

office and desk supplies; paper; twine, glue, envelopes, postage, car fares, soap, towels, disinfectants, and ice; drayage, express freight, telephone and telegraph service; repairs to building, elevators, and machinery; preserving sanitary condition of building, light, heat, and power; stationery and office printing, including blanks, price lists, and bibliographies, \$39,000; for catalogues and indexes, not exceeding \$16,000; for binding reserve remainders and for supplying books to depository libraries, \$80,000; equipment, material, and supplies for distribution of public documents, \$20,000; in all, \$150,000.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to amend line 12, page 163, by striking out "\$150,000" and inserting in lieu thereof "\$155,000." It does not change other items, but simply corrects a total.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 163, line 12, strike out "\$150,000" and insert "\$155,000."

The amendment was agreed to.

The Clerk read section 3.

Mr. MONDELL. Mr. Chairman, the Clerk has read so rapidly that we passed the Panama Canal item before I knew it. I want to make a very brief statement in regard to that enterprise. A few years ago we used to discuss the Panama Canal a very great deal; but the great war and the things connected with it have taken our minds away from that great engineering work of ours. We hear and speak very little of it.

It is interesting to know that even with the conditions of war that have existed, the tolls during the last fiscal year have been larger than ever in the history of the canal. They amounted to \$6,439,083.99. The appropriations for the fiscal year were \$10,650,000; but the Panama Canal Commission separated the items, and they have estimated that those items properly chargeable to cost of operation amounted to \$5,903,719.69, giving us a net balance of revenues over actual cost of operation of about \$500,000.

The commission called the attention of the committee to the fact that had the original rules of measurement been in operation the revenue the last year would have been largely increased. Instead of being the sum that I have mentioned, it would have been \$7,522,195.68, an increase of \$1,083,069. By reason of the change in rules of measurement we have lost \$2,797,260.26. There is a bill before the House proposing to restore the old rule of measurement. That bill should become a law. These great losses in canal revenues are in the main going to the benefit of foreign shippers. A very few American shippers, shortsighted in their view of things, in my opinion, believing they were somewhat affected by this matter of measurement, have opposed the change to the original system.

They have been beneficiaries to a very limited degree of the new system. The foreigner has been the beneficiary in a very great degree, particularly those ships carrying the British flag. We have practically given to British shipping since the change in the rules of measurement two and three-quarter million dollars that should be in the Treasury of the United States. We ought to remedy that mistake in the very near future.

With regard to the future of the canal, Col. Harding, in his statement before the committee—and this will seem rather startling to gentlemen after the statement that we have collected half a million dollars more in tolls in the past year than the actual cost of operation—estimated that instead of collecting \$6,000,000, as we have the last year, if the time comes when we shall collect \$23,000,000 from the canal it will begin to pay. The period when the tolls will increase from their present sum to \$23,000,000 is probably some distance off.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. MONDELL. We can hasten the day by restoring a fair, reasonable rule of measurement under which carriers shall pay for the cargoes they carry through. With the coming of peace there will, of course, be a very greatly increased traffic through the canal.

Fortunately the difficulties with regard to slides are all over. The canal is operating smoothly; everything is moving as it should; it is a good going concern, and if business gets better, as it should, we may some day in the future begin to get a revenue from that great enterprise.

Mr. CURRY of California. Mr. Chairman, I do not wish to take up the time of the committee so late to-night, when I know that it wishes to finish the bill, in discussing the Panama Canal question. But when the bill referred to by the gentleman from Wyoming [Mr. MONDELL] shall be reported to the House favorably, and comes before the House for action I will discuss it

and tell why it was reported and why they want it passed. That bill is not in the interest of American shipping; it is entirely aimed at the coastwise trade between the Pacific coast and the Atlantic coast and the Atlantic coast and the Pacific coast. That is a statement on my part which I can prove, but which I do not wish to take up the time of the House to-night to do.

The Clerk read as follows:

SEC. 4. That the President is authorized to transfer to the custody and care of such of the departments or independent establishments as he may determine the files and records of the agencies created for the period of the war upon the discontinuance of such activities.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I notice this section is section 4, the one before it is section 3, and the one before that is section 2, but there is no section 1.

Mr. BYRNES of South Carolina. All of the bill preceding is section 1.

The Clerk read as follows:

SEC. 5. That the following portions of the unexpended balances of appropriations for the fiscal year 1919 for the support of the various services, as set forth in this section, shall be covered into the Treasury immediately upon the approval of this act, namely:

Capital Issues Committee, \$265,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this section strikes me as being one of the most important in the bill. Is it understood that upon the adoption of section 5 the Capital Issues Committee will go out of business?

Mr. BYRNES of South Carolina. It is practically out of business now, only one member of the committee there, and this will leave \$200 or so to wind up the business.

Mr. MOORE of Pennsylvania. The section winds up by saying: "The following portions of the unexpended balances of appropriations for the fiscal year 1919 for support of the various services, as set forth in this section, shall be covered into the Treasury immediately upon the approval of this act." And then it names the Capital Issues Committee, \$265,000. My question is, Does that take back into the Treasury all the money that is left available to the Capital Issues Committee?

Mr. BYRNES of South Carolina. All except \$100 or some small amount to pay outstanding obligations.

Mr. MOORE of Pennsylvania. It means that the Capital Issues Committee goes out of business completely on the passage of this act?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Pennsylvania. And the Committee on Public Information, \$200,000 of the appropriation of \$1,250,000?

Mr. BYRNES of South Carolina. It does.

Mr. MOORE of Pennsylvania. That means that Mr. Creel's Bureau of Information goes out of business?

Mr. BYRNES of South Carolina. Except that we leave to them a little larger amount, because they have outstanding obligations which exist, and that they may dispose of some bills. But we specifically provide that this bureau and the Bulletin shall go out of business on April 1, so that there shall be no mistake about it.

Mr. MOORE of Pennsylvania. Does \$1,250,000 remain in the bureau after the passage of this bill?

Mr. BYRNES of South Carolina. Oh, no; only two or three thousand dollars—I have forgotten the amount—but the bureau will wind up business.

Mr. MOORE of Pennsylvania. The bill reads \$200,000 of the appropriation of \$1,250,000.

Mr. BYRNES of South Carolina. That means that the original appropriation was \$1,250,000.

Mr. MOORE of Pennsylvania. And they have used up all but \$200,000, and the bill provides that the maintenance of the service bureau in the District of Columbia and the publication of the Official Bulletin shall be discontinued from and after April 1, 1919, and thus we get rid of the Official Bulletin and the service bureau?

Mr. BYRNES of South Carolina. We do.

Mr. MOORE of Pennsylvania. Mr. Creel and all his associates on the passage of the act go out of business after April 1, 1919?

Mr. BYRNES of South Carolina. No. Mr. Creel has a fund out of the President's fund, but I have no information as to what constitutes that fund. So far as the money we have appropriated, we take it away.

Mr. MOORE of Pennsylvania. If the service is continued here or in Mexico, where they issue a bulletin, or in France, where Mr. Creel now is, apparently, it will be continued out of the President's fund?

Mr. BYRNES of South Carolina. It will, because he has no other fund here.

Mr. MOORE of Pennsylvania. Congress stops all appropriations for Mr. Creel and his bureau?

Mr. BYRNES of South Carolina. That is the purpose of this section.

Mr. MOORE of Pennsylvania. And the Council of National Defense, \$75,000. Does that wind up the Council of National Defense?

Mr. BYRNES of South Carolina. No; it does not. In my opening remarks I called attention to that in presenting the bill. The Council of National Defense was created prior to our entering the war. Its purpose was to collect statistics which might be used in case of war. The Council of National Defense asked the Congress to appropriate \$300,000 for the next year, as they wished to engage in several activities. They have a highway department to advise as to the value of good roads and several other things, and the committee, instead, has left them with a small amount. We made an appropriation in this bill of \$50,000 for the next fiscal year, which is ample, we think, for them to carry out the purpose and perform the duties described in the organic act creating them, which was to collect statistics as to the manufactures of the country.

Mr. MOORE of Pennsylvania. This \$75,000 was a part of an appropriation made direct by Congress to the Council of National Defense?

Mr. BYRNES of South Carolina. That is right.

Mr. MOORE of Pennsylvania. And they have other funds remaining with which to go on with these new activities? I am asking these questions to learn how soon we are going to get rid of these war boards.

Mr. BYRNES of South Carolina. We will get rid of every war bureau with the exception of the Council of National Defense, and that, after you have taken this \$75,000, will have left a small balance which will enable them to continue a very much reduced organization to July 1, and after July 1 they will have an appropriation of \$50,000.

Mr. MOORE of Pennsylvania. The policy of the committee, however, is to cut down from this time.

Mr. BYRNES of South Carolina. That is the purpose of this; and every other war bureau, by reason of this section, will have to wind up its affairs on July 1.

Mr. MOORE of Pennsylvania. The Federal Trade Commission, \$300,000.

Mr. BYRNES of South Carolina. Of course, that is not classed with the war bureaus at all. The Federal Trade Commission voluntarily stated to the committee that they were able to save out of a lump sum that was given to them \$300,000. It was based on the continuance of the war, and with the discontinuance of the war and the discontinuance of their activities in arriving at the cost prices for the Army and Navy, they were able to turn back into the Treasury this amount of \$300,000.

Mr. MOORE of Pennsylvania. That, of course, is a continuing body.

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Pennsylvania. That is provided for by law. Food Administration, \$3,500,000.

Mr. BYRNES of South Carolina. That is covered back to the Treasury, and the Food Administration will discontinue its activities on July 1.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more to continue these inquiries. This is a very important matter, and I think the committee is to be commended for this report, and the House and the country ought to be gratified to know that these agencies are going out of business and we are saving some money.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. I will tell the gentleman the status of these agencies. When we take back from the Food Administration the sum of \$3,500,000 we will leave them with a small amount, sufficient to wind up their affairs. They will have some auditors left, who will audit the accounts that will come in between now and July 1, and they will have a few file clerks, who are engaged in filing the records of the administration, but they will go out of business completely on July 1.

Mr. MOORE of Pennsylvania. What will become of the headquarters, the buildings and the furniture, and things of that kind that have been used by the Food Administration?

Mr. BYRNES of South Carolina. All of the furniture is turned over to the general supply commission, and the building will be turned over to the Superintendent of Capitol Buildings and Grounds under the provision of the legislative bill.

Mr. MOORE of Pennsylvania. The passage of this bill and the recovery of \$3,500,000 will practically wipe out the Food Administration?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Pennsylvania. And if the gentleman will tell us about the War Industries Board, \$1,925,000.

Mr. BYRNES of South Carolina. The withdrawal of this sum means that they will cease their activities and, as in the case of the other bureaus, they are left with a small sum sufficient to take care of their outstanding obligations up to July 1.

Mr. MOORE of Pennsylvania. Is that particular branch to continue its war activities?

Mr. BYRNES of South Carolina. If they are they will have no funds under this bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not wish to detain the House, but the fact that we are about to get rid of these various appendages of the Government due to the war is a matter of congratulation, I think, to the country. The Capital Issues Committee served a useful purpose. It was of doubtful origin, but it has served its purpose and is going out of business, refunding \$265,000. The Committee on Public Information, headed by Mr. Creel, has run its course and is about to wind up its affairs, for which I trust the country will be grateful. The Council of National Defense has been useful and has brought fame to many a dollar a year man, some of them having large personal knowledge of matters of Government and some of them serving with a real patriotic purpose. It is about to go out of business, except as indicated by the chairman of the committee. The Federal Trade Commission, of course, continues.

The Food Administration, headed by Mr. Hoover, turns back \$3,500,000 and is about to quit, for which I think the Nation should be thankful. The Fuel Administration is in the same boat; it will turn back about \$775,000, and I think we can all feel we are well rid of these bodies. The War Industries Board will turn back \$1,925,000; but, according to the chairman of the committee, certain reservations have been made and certain activities of that board are to be continued. I am pleased to note that the War Trade Board is going out of business, and that it will refund \$250,000. The utility of the War Trade Board has been very dubious indeed. It has been an organization intended to aid American commerce and protect it during the progress of the war; but complaints with regard to the War Trade Board have been such that its passing should not be without comment. Our American merchants endeavoring to trade on the other side have been prevented from doing business because of the activity or the inactivity of the War Trade Board, and apparently it has been as much in the interests of other countries as it has been in the interest of the United States. Here is a communication from a large American concern—the Metal Export Co. of America—indicating that because of the relation between the War Trade Board of the United States and certain foreign agencies it has been practically impossible for the American merchant to do business abroad. We may sell at the American price, but the world price is cheaper than the American price. By manipulation, by licensing, by operation of foreign embargoes, the American dealer has been put to very great disadvantage. Mr. Chairman, I ask unanimous consent that I may insert this letter as a part of my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record by publishing the letter indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

METAL EXPORT CO. OF AMERICA,
New York City, February 24, 1919.

HONORABLE SIR: We will show in a brief and incontrovertible way how the good offices of the present administration are being unconsciously and unwittingly employed to assail and destroy the industries of this country.

2. The following are the facts and the remedy:

3. On May 8, 1918, the Trondhjem Blikemballagefabrik (tinplate box manufacturers), of Trondhjem, Norway, members of and secretary to the Trondhjem Import Cannery Union, contracted with us to furnish them 3,000 double boxes of tin plates f. o. b. New York.

4. The Norske Handelsbank of Trondhjem on the same day gave us a bank guaranty, available for one year, guaranteeing the payment on presentation of bills of lading in Trondhjem.

5. We complied with all existing Norwegian, British, and American regulations and duly received from the buyer the import number, 149, issued by the Trondhjem Import Cannery Union, of which the buyer is secretary.

6. We gave the Norwegian Legation in Washington proof of the issuance of the guaranty number by the Trondhjem Import Cannery Union, and they, in the conventional manner, supported our license with the War Trade Board.

7. On July 26, 1918, the Norwegian Legation in Washington wrote us as follows:

"METAL EXPORT CO. OF AMERICA,
59 Pearl Street, New York City.

"DEAR SIR: Re tin plates. We are in receipt of your letter of the 25th instant, and in reply regret to say that in accordance with information given us by the War Trade Board there is no more possibility of obtaining export license for the above commodity from America. We understand that an arrangement has been reached at according to which England is to supply all the quantity of tin plate as required by Norway. Inclosed we return the letter from the Trondhjem Cannery Import Union.

"Yours, very truly,

"LEGATION OF NORWAY,
Commercial Department."

This arrangement was subsequently rescinded, and we received the export licenses to which we were entitled. In the interval, however, it clearly follows that prospective Norwegian buyers were not covering their requirements in America.

8. On December 22, 1918, we received a cable from our agents stating, "Trondhjem Blikemballage want to cancel, which we refused."

9. On February 13 the Norwegian Legation called up the Norwegian-American Line twice on the long-distance telephone and told them under no circumstances to accept these goods, and subsequently told them to keep very confidential the source of their information. On the same day the Norwegian-American Line in New York confirmed the conversation in writing and stated:

"We have received confidential request from the Norwegian Legation to withhold the forwarding on the ground that the export license is not yet formally in order. Therefore, without disclosing the source of your information, it might be well to have your Washington representative call on said legation and ask them what they know about the license in question, and that we are holding up your shipment."

10. We immediately reported the facts to the Foreign Trade Adviser, State Department, also to the Bureau of Foreign and Domestic Commerce.

11. On February 13, 1919, the Norwegian Legation in Washington wrote us as follows:

"DEAR SIR: Referring to your shipment of 3,000 cases to Trondhjem Blikemballagefabrik, for which we understand you have obtained an export license from the War Trade Board, we beg to inform you of having received a cable from the ministry of foreign affairs stating that the import certificate covering this shipment is canceled. Under these circumstances we should advise you, in case the goods having not as yet been shipped, to withhold shipment until further and a new import permit has been granted or the old one renewed, as otherwise you may risk a refusal of the import on arrival to Norway."

This veiled threat is not supported by the contract, which provides for payment by the Norske Handelsbank against shipping documents and not on arrival.

12. On February 21 we received the following letter from the War Trade Board:

"DEAR SIR: License was recently granted to you to ship 3,000 cases of tin plates to Trondhjem Blikemballagefabrik, the shipment being covered by import certificate No. 149. The Norwegian Legation has advised us that this import certificate had been canceled, and they further advised us that so far you have not made use of the license. The legation has requested us to cancel that license, and in order to comply with their wishes in the matter we would request that you return the license to us at once.

"Yours, truly,

"WAR TRADE BOARD,
BUREAU OF EXPORTS."

To which we replied in the negative and that the facts were not correctly stated.

14. Owing to purchasing the goods from us at a time when foreign exchange was so greatly in their favor, the buyers no doubt availed themselves of the opportunity to buy dollars, with a resulting profit of about 25 to 30 per cent. As the exchange market has now reversed itself, if they are permitted to repudiate the contract, they can now use the same dollars to buy kroner, and make both ways on the transaction.

15. The contract was made in good faith, and because circumstances have temporarily placed this country at a disadvantage, and consequently the same lot may be purchased very much cheaper from another country, the buyer is desperately seeking, with every available means and subterfuge in their power, to abandon the contract, with the assistance of official influence which they have procured in some mysterious way.

17. We quote the Boston News Bureau, December 10, 1917:

"Subcommittee on tin of the institute was again in consultation with Washington authorities on Monday, and action to release the American industry from further domination of the British tin committee is expected."

At the present time English tin is quoted in New York at 72½ cents per pound and in London about 46 cents, enabling British manufacturers to easily and substantially undersell the American works.

18. The freight from New York to Trondhjem is over 3 cents a pound, and the freight across the North Sea is only a small fraction, and correspondingly less insurance. The boats leave England daily for Norway and the distance is negotiated in about 24 to 36 hours.

The very existence of our export trade, which has made this country a creditor Nation is imperilled, and unless the present administration immediately corrects this abuse of our institutions by foreign nations and stops shielding foreign firms at the expense of American citizens we will be a target for the mockery of the world and a shadow of bankruptcy and despair will confront us.

At this very moment, due to a state of somnolence, the foreign nations all over the world are making great strides in their efforts to conquer us in the world's markets, and as the recent speeches in Congress show, some of the Members are fully alive to the dangerous and intolerable situation, but this specific and concrete case should bring every Senator and Congressman to his feet, denouncing in unequivocal terms this unparalleled injustice to our commerce, directed and instigated by a foreign nation.

We exporters, who have patiently suffered during the war inconceivable hardships and prodigious losses, appeal to you for justice and redress.

Yours, most respectfully,

METAL EXPORT CO. OF AMERICA,
Per ALBERT A. MOERS.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last two words. Whatever may be said about the vari-

ous boards that are about to terminate their existence, there is one certainly I feel the country owes a great deal to, and that is the Capital Issues Committee. I do feel that they have done a splendid service in this country, and I think we ought really to continue their existence during the next liberty loan. I feel that they would render great service to this country during that loan. I feel that they would prevent a large number of concerns over the country from trading in securities and trading in liberty bonds that would be beneficial to the country, and I was hoping they would allow them to exist until this next liberty loan was over.

Mr. BYRNES of South Carolina. If the gentleman will yield, I will say that the Capital Issues Committee has no desire to continue in existence—

Mr. TAYLOR of Colorado. I know.

Mr. BYRNES of South Carolina. But express their willingness to turn this back; and in fact all the committee, except one gentleman, has left the city, and he is exceedingly anxious to leave.

Mr. TAYLOR of Colorado. They do not want a job, any of them, and they have been doing good work.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. MOORE of Pennsylvania. I can say to the gentleman that the hearings of the Ways and Means Committee reveal the fact that the Treasury officials are entirely satisfied with the force they now have for disposing of this new \$7,000,000,000 loan. They are perfectly aware that the Capital Issues Committee have ceased to function, and they are resigned to that, and they are satisfied that the money appropriated in the loan bill will accomplish the sale.

Mr. TAYLOR of Colorado. I know the members of the committee do not want to continue their occupation at all. They are not hunting a job. The question is whether or not there is anybody or any other organization that can perform the services and protect the American people in the way they have been doing.

Mr. MOORE of Pennsylvania. You mean in the matter of investments and issues of investments?

Mr. TAYLOR of Colorado. Certainly.

Mr. MOORE of Pennsylvania. I think they have served a useful purpose during the war.

Mr. TAYLOR of Colorado. I say they ought to continue.

Mr. CALDWELL. Mr. Chairman, at this closing hour I would like to call attention to the fact that notwithstanding all appropriations passed by this Congress have been passed by a Congress that was practically evenly divided between the Democrats and Republicans, and notwithstanding the Republicans, in the face of that proposition, have voted very largely for the appropriations, they have criticized the Democratic administration for extravagance in office and the waste of money to an unheard-of extent. As a matter of fact, the greater portion of the legislative days of this Congress have been devoted to a criticism on this Republican side of the House, where I now stand, of the administration on the question of extravagance and inefficiency. And yet, notwithstanding the fact that the Democrats have not appropriated any money except the amounts that were largely approved by the Republicans in this House, here, in these few small items, the Democratic administration, by reason of its efficiency, has been able to turn back into the Treasury out of these small sums that have been appropriated with the approval of the Republicans the large sum of \$7,290,000. And I congratulate the Democratic administration for its efficiency, and I feel that we ought to be proud of the success that has attended their efforts to economize and conduct the Government in a way the Republic has approved.

Mr. GREEN of Iowa. Mr. Chairman, I am glad to hear the gentleman who has just taken his seat make some remarks about the efficiency with which the administration has conducted the affairs of the country and his reference to the items we have in hand. I observe one item which I read with a great deal of satisfaction, with reference to the Fuel Administration and of the appropriations from which \$775,000 is to be stricken out. With reference to this particular board there is nothing that becomes it so much as its passing away. We will all hail it with a great deal of pleasure. It is like the funeral we have so often heard about, as to which somebody asked what complaint the deceased suffered from, and the reply was that there was no complaint; everybody was satisfied.

Mr. Chairman, in times of war, and possibly on other occasions, we can endure being tyrannized over by men of talent and ability who do great things; we can even endure arrogance and haughtiness from a really big man whose work is a model of efficiency in the public service. But when some pinhead who fancies himself great, but whose ability is in inverse ratio

to his own estimate of himself, putting on the airs of an oriental potentate, messes and muddles our affairs with not half the sense that an ordinary busybody would manifest, it is really too much.

Mr. Garfield thought himself of such importance that he kept about his person such restrictions as the most haughty autocrat would use. The orders which he issued might produce all sorts of oppression and hardship. What of that? His serene highness must not be disturbed with reports of how the actions of his department were interfering with or ruining business, freezing entire communities, nor even told of the utter folly of his pet projects, nor the extreme hardships which were being inflicted. Why should he, the all powerful, listen to any complaints? Had he not already applied his infallible intellect to the problems of his office? He had spoken, and that settled it.

If the consequences had not been so dangerous to the country a more ludicrous spectacle of a man attempting to elevate himself with nothing to build upon would have ever existed. The results of Mr. Garfield's actions were serious enough in the winter of 1917-18, and if the war had continued and the winter of 1918-19 been of ordinary severity, untold calamities would have befallen us. A kind Providence that tempers the wind to the shorn lamb preserved us by sending one of the mildest winters ever known. The war ended and we were saved through no fault of his. During the summer and fall he was busily engaged in directing hard coal to Canada and in making arrangements which resulted in stopping to a large extent the mining in my State and Illinois.

The Fuel Administration has been criticized by nearly everyone and praised by nobody. The only thing those most anxious to excuse it could say was that it had a "difficult task." It had, indeed. The job of making one continuous round of blunders must have been something terrific, and how it could have succeeded in bringing about a more wretched mess of the fuel situation than it did last winter is more than I can imagine. It had some able men connected with it, but the utter incompetency of its chief made complete failure inevitable.

Mr. Chairman, in the course of the procedure of this particular bureau all of us have had their griefs, and I have had mine. This board undertook the management of the fuel of this country, and one of the first discoveries its chief made was that, in order to prevent the congestion of freight at our ports, it would be an excellent plan to shut down the factories for about two weeks. In the same manner it could have been easily arranged to entirely stop the factories by burning them down, so that the ports would never again get congested. The latter system would have been a little more effective than the first which was proposed, and just about as sensible. As it was, this foolish performance cost the country not less than \$25,000,000. Without rhyme or reason it undertook to change the route of shipments for the whole country and cast all previous experience to the winds.

But if this board had made its blunders universal all over the country and treated everybody alike there would not have been so much complaint. Unfortunately it distributed special favors and placed all sorts of discriminations throughout the country. In the distribution of coal in my section of the country I ascertained some time last fall that notwithstanding Garfield had made orders that Illinois coal should not go into the part of Iowa where I lived, certain favored individuals were receiving their coal right along, and others, that they chose to discriminate against, were not receiving it. Other gentlemen have reported to me numerous other discriminations, and like myself found they could get no remedy. Mr. Garfield surrounded himself with a sort of bodyguard of highly paid assistants, whose chief function seemed to be to keep common individuals like Congressmen, governors, and judges away lest he should find out what the people were thinking of him. In fact, he was wastefully supplied with help, both in this city and everywhere, but the millions which his bureau expended in this way were but a small part of what his régime cost the country. He seemed to fancy that the circle of his presence was so sacred that ordinary mortals should not venture into it, but stand far off and submit their complaints to some underling so far down on the official ladder that he could give no remedy if he would and would not if he could.

I went to see his royal highness, who presided over this institution, and—

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I ask unanimous consent to proceed for five minutes. This is the first time I have occupied the floor on this bill.

There was no objection.

Mr. GREEN of Iowa. As I was about to state, I attempted to call on the head of the Fuel Administration, to remonstrate with him against these proceedings. I thought perhaps I would be able to see his majesty without much trouble. I was informed that possibly I might see him in a couple of days. I went there a couple of days afterwards, and I succeeded in seeing the fourth assistant buffer, who inquired as to the nature of my visit; and after having seen the fourth assistant buffer I was subsequently permitted to see the third assistant buffer. [Laughter.]

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield.

Mr. CALDWELL. I was going to ask the gentleman—

Mr. GREEN of Iowa. I do not yield.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. GREEN of Iowa. I was then told that possibly I might see the secretary upon the next day. I called the next day, but did not see the secretary, but I saw the second assistant secretary [laughter], and then I was informed that I might see some one else, possibly the next day. So I went on for about a week in my effort to see the royal duke. It was more difficult to see this little self-constituted magnate, who had shut himself up to manage the fuel service of this country, and who did more to confuse things and disturb business than anything else, than it would have been to see the President himself; and I never did see him, and the people of my region never did get any relief. The same discrimination occurred, the same breaking of the law, the same utter disregard of principles of right and justice on the part of this administration was continued until the end.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield. It is very late, and I want to get through.

Mr. LOBECK. Who was your fuel administrator in Iowa?

Mr. GREEN of Iowa. I decline to yield.

Mr. LOBECK. Of course, you will not say.

The CHAIRMAN. The gentleman declines to yield.

Mr. GREEN of Iowa. There was no possibility of getting any redress. It seemed that this little minion, dressed in a little brief authority, assumed that he might be able to Prussianize this country, and, to a certain extent, he succeeded, so that millions of the money of the people has been wasted to no purpose except to annoy, harass, and disturb business. Therefore, Mr. Chairman, I view with great satisfaction the demise of the Fuel Administration. [Applause.]

I wish to say, however, that in one respect the Fuel Administration was highly efficient. That was in looking after the operators of the mines. The governor of my State, the executive council, the delegation in Congress, and nearly everybody insisted that the operators of mines in Iowa were making extortionate profits. Mr. Garfield insisted that their cost sheets showed that they were not, but refused to make public the cost sheets. As a matter of fact, these operators were simply guilty of legalized robbery. Mr. Garfield defended and protected them. I do not charge corruption on his part, but if there had been corruption the results would have been no worse. Let the Fuel Administration go. It has no friends and few apologists.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16104) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BYRNES of South Carolina. I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BURNETT. Mr. Speaker, I move to recommit the bill with the following instructions to the Committee on Appropriations—

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BURNETT. I am not.

The SPEAKER. If anybody who is opposed to the bill wants to offer a motion to recommit, the Chair will recognize him. If not, the gentleman from Alabama will be recognized.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. Has not the minority a representative who is entitled to offer this motion?

The SPEAKER. Anybody who qualifies by stating that he is opposed to the bill has the right of way. If nobody does that, then the gentleman from Alabama will be recognized. The Clerk will report the motion offered by the gentleman from Alabama.

The Clerk read as follows:

Mr. BURNETT moves to recommit the bill with instructions to the committee to report the bill back forthwith with the following amendments: Amend, by adding at the end of line 20, page 150, the following: "Provided, That no part of this sum shall be expended in salaries or expenses of any officer, clerk, or employee who authorizes, permits, or aids in the admission of any alien who falls within the excluded classes named in section 3 of the act entitled 'An act to regulate the immigration of aliens to and the residence of aliens in the United States,' passed February 5, 1917."

Mr. BYRNES of South Carolina. I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. BYRNES of South Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

WHEAT GUARANTY.

Mr. LEVER. Mr. Speaker, I ask the Speaker to lay before the House the wheat guaranty bill (H. R. 15796), with Senate amendments.

The SPEAKER laid before the House the bill (H. R. 15796) to enable the President to carry out the price guaranties made to producers of wheat of the crops of 1918 and 1919, and to protect the United States against undue enhancement of its liabilities thereunder, with Senate amendments thereto.

Mr. LEVER. I move that the House concur in all the Senate amendments except Senate amendment No. 12 and Senate amendment No. 24.

Mr. HAUGEN. Well, Mr. Speaker, we will have a separate vote. We can not vote on them both at the same time. Is it the purpose of the gentleman to send the bill back to conference?

Mr. LEVER. I am going to try to concur in such amendments as I do not think are vital to the bill.

Mr. HAUGEN. If the bill goes to conference, the gentleman ought to send all the amendments to conference. That is the usual way of doing it.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I would like a disagreement to amendment 9.

Mr. LEVER. I will be glad to send that back.

Mr. HAUGEN. How about amendment No. 3?

Mr. YOUNG of North Dakota. Send them all back.

Mr. MOORE of Pennsylvania. Let us send them all back to conference.

Mr. LEVER. If the gentleman from Iowa [Mr. HAUGEN] desires to tie up this bill in conference on inconsequential amendments, I will ask that the House disagree to all the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the House disagree to all the Senate amendments and ask for a conference.

Mr. LEVER. Except Senate amendment numbered 24, which has to do with the cotton proposition. I want to offer a motion to concur in Senate amendment 24 with an amendment.

Mr. HAUGEN. That is all right.

The SPEAKER. The gentleman from South Carolina moves to concur in Senate amendment 24 with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LEVER moves to concur in Senate amendment 24 with the following amendment:

"That the United States cotton-futures act, approved August 11, 1916 (39 Stat. L., p. 476), is hereby amended as follows:

"In the fifth subdivision of section 5 of said act, strike out the words 'good ordinary' wherever the same occur and substitute therefor the words 'low middling'; strike out the words 'low middling' and substitute therefor the word 'middling'; and strike out the words 'if stained, cotton that is below the grade of middling' and substitute therefor the words 'if yellow stained, cotton that is below the grade of strict middling, or, if blue stained, cotton that is below the grade of good middling,' so that the said subdivision shall read as follows:

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of

low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked," or "false packed," or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Strike out the sentence comprising the seventh subdivision of section 5 of said act and substitute therefor the following:

"Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision, and section 19 of this act is amended accordingly."

Strike out the last sentence of section 5 of said act and substitute therefor the following:

"The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved."

"The foregoing amendments to section 5 of said act shall become effective on and after the approval of this act, but nothing herein shall be construed to diminish any authority conferred on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under said act as unamended, or to impair the effect of such act as to any contract subject to its provisions entered into prior to the effective date of said amendments, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said section 5 as unamended."

Effective on and after the date of the passage of this act, insert at the end of section 8 of said act the following:

"Provided further, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on that.

Mr. NOLAN. Mr. Speaker, I make the point that there is no quorum present.

Mr. LEVER. Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. But the gentleman from California makes the point of no quorum.

Mr. LEVER. Will the gentleman from California withhold that until I make the parliamentary motion?

Mr. HEFLIN. I shall move a call of the House if he insists on the point of no quorum.

Mr. NOLAN. I will withhold it for the present.

Mr. LEVER. Mr. Speaker, I move to concur in the Senate amendment with an amendment by striking out all of the Senate amendment and substituting the amendment that has just been read.

Mr. STAFFORD. Mr. Speaker, I make a point of order on the motion. As I understand, it is the gentleman's intention to move to disagree to all the other Senate amendments and ask for a conference except on this amendment 24?

Mr. LEVER. Exactly.

Mr. STAFFORD. This bill goes over to the Senate with all other amendments disagreed to except amendment 24. Does the gentleman expect that the Senate will accept amendment 24 as amended by the House in case the House adopts the amendment, or does he expect that the Senate will move to disagree to Senate amendment 24 and ask for a conference on that?

Mr. LEVER. I have the assurance of the chairman of the committee that the amendment I have proposed will be acceptable. I have also the assurance of a prominent man representing the Southern States, interested in this proposition, that this amendment is satisfactory to him. So I think there is no question but that the Senate will accept it. I think it is agreed that the Senate amendment is so very narrow in its lines as to the delivery of contracts that it might have an effect to greatly depress the contract price and probably might result in closing some exchanges.

The purpose of the amendment I have offered is to put the matter in conference, so that if there are any defects in the proposition I offer, we have a proposition broad enough so that we can work out a reasonable solution.

Mr. STAFFORD. But you are not putting it in conference; you are forcing upon the Senate in the closing hours of the

session the necessity of the Senate asking for a disagreement to amendment 24, as proposed by the House, and asking the House to grant a conference.

Mr. LEVER. Let me say that this amendment I have proposed was unanimously agreed upon by the cotton members of the Committee on Agriculture on yesterday and also by the full committee. I have talked with the chairman of the Committee on Agriculture in the Senate, and the amendment proposed here is satisfactory to him. If I may be permitted, out of order, I will say that I have talked with Senator SMITH of Georgia, who has been interested in this proposition, and he feels that the Senate will promptly accept the proposition.

Mr. STAFFORD. I am only pointing out that in case the Senate should not accept the House amendment to the Senate amendment it would require further action on the part of the Senate.

Mr. WALSH. Can not that be obviated by sending amendment 24 to conference and instructing the conferees to agree to that amendment with an amendment?

Mr. STAFFORD. I think that is the better way, as suggested by the gentleman from Massachusetts. I am informed unofficially that a filibuster has been going on for five hours in the Senate. The gentleman does not want to get into that snarl.

Mr. CANDLER of Mississippi. I have just come from the Senate, and I want to say that the filibuster is over and they have agreed on a program.

Mr. LEVER. I will state that if this proposition endangers the bill I should recede from it, for I do not propose to lose the bill.

Mr. STAFFORD. If the gentleman would disagree to all Senate amendments and then make a motion to instruct the conferees to agree to Senate amendment 24 with an amendment, as suggested by the gentleman from Massachusetts, I think that would be the better solution.

Mr. LEVER. I am quite willing to do that. Mr. Speaker, I withdraw the motion that I made.

The SPEAKER. What is the gentleman's motion?

Mr. LEVER. Mr. Speaker, the gentleman from Georgia [Mr. CRISP] suggests that might make it subject to a point of order under the Senate rules. I stand by my original motion to strike out the Senate provision and substitute the matter that has been read at the Clerk's desk.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order from the amendment.

The SPEAKER. The gentleman from South Carolina moves to concur in the Senate amendment 24 with an amendment.

Mr. LEVER. Striking out the amendment and inserting—

The SPEAKER. Striking out the Senate amendment and substituting the matter read at the Clerk's desk.

Mr. HUMPHREYS. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HUMPHREYS. I heard the provision read. It does not limit the contract in the New York and New Orleans Cotton Exchanges in the number of bales that may be delivered on any contract of various grades. For instance, I do not know how many, but my information is that there are several hundred different kinds of cotton that can be delivered now under the law.

Mr. LEVER. The gentleman is mistaken about that.

Mr. CANDLER of Mississippi. Twenty-one.

Mr. HUMPHREYS. I think it is at least ten times 21. I think that can be clearly demonstrated. That number can be delivered now, and the vice of it is that on a contract for the delivery of 100 bales of cotton 25 different kinds of cotton can be tendered, which makes it utterly unacceptable, and, therefore, forces a settlement on margins. That, therefore, converts the exchange purely into a bare gambling establishment. It occurs to me that there ought to be some limitation on the number of bales of any particular type that can be delivered on a contract, and I just want to submit to the gentleman unless he does that he is not getting very far toward the elimination of the very undesirable features of the contract now.

Mr. LEVER. Let me say to the gentleman from Mississippi that under the present law there are 20 different grades deliverable upon contract, ranging from the highest grade to ordinary. Under the terms of the proposal here the number of grades tenderable would be 10 instead of 20. The Senate proposition is 7 instead of 10. In addition to that, this proposition instead of having agents or employees of the various cotton-future exchanges classify their own cotton, we propose in this that the Government shall classify this cotton through its own agents, to do two things, first, to save the time of appealing the dispute to Washington and the expense, and, second, to do away with the constant complaint that they are

delivering very low-grade cotton upon contracts such as dog-tail and the like of that, and thus enhance the confidence of the public in the contract, which in turn enhances the value of the contract. The other proposition is to see to it that some agency is set up which will gather from the various spot markets of the country quotations which shall be published daily as to the value of these various untenderable grades. If you do not do that, you put these untenderable grades, which may sometimes amount to 15 or 20 per cent of a crop in abnormal conditions, and under normal conditions 5 to 10 per cent, absolutely at the mercy of the big spot-cotton merchants and spinners.

We have set that machinery up to take care of that situation and we have reduced the number of tenderable grades from 20 to 10.

Mr. HUMPHREYS. Here is the thought I had in mind, that if they are permitted to offer any of the types that they may offer in lots of 50 bales, say—that can be handled, that would take care of all the low-grade cotton, that would not depress that at all—if they can deliver on a contract for 100 bales of cotton 100 different kinds of cotton—

Mr. LEVER. They could not do that under this provision.

Mr. HUMPHREYS. One or two or three bales of a kind, it would be utterly unacceptable to anybody who is in the cotton business. I have not got it in my pocket, but I am going to insert in the Record, if I may, a letter from a very large cotton merchant—

Mr. LEVER. And a cotton miller?

Mr. HUMPHREYS. No. He is not interested in mills. He is a large cotton planter and what we call a cotton buyer, a cotton merchant. I will introduce that into the Record, and if the gentleman will read it he will find that under this contract you now prescribe they will be able to deliver not 21, which the gentleman says they can deliver now, but at least 50 different types of cotton.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LEVER. I am going to move the previous question on this right now.

Mr. KITCHIN. I hope the gentleman will withhold that point for just a minute.

Mr. MOORE of Pennsylvania. No; I will not. If this is to continue until 12 o'clock—

Mr. LEVER. No; I am going to move the previous question just now.

Mr. HEFLIN. I am going to move a call of the House; I give notice now.

Mr. KITCHIN. Will the gentleman just withhold his point for a moment?

Mr. MOORE of Pennsylvania. I withhold it for a moment.

Mr. GALLIVAN. Mr. Speaker, I demand the regular order.

Mr. KITCHIN. Just withhold that for one moment. I want to ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I think after having worked so long to-night we will do very well if we go to work at noon.

Mr. KITCHIN. We hope to get through a little earlier to-morrow night. We have a contested election case to-morrow that will take, I would say, at least six hours, at least five and one-half hours of debate.

Mr. MONDELL. Does the gentleman understand as much time as that is desired?

Mr. KITCHIN. Yes; I understand it.

Mr. MONDELL. If that is true—

Mr. KITCHIN. Then, we would like to get this little luxury tax bill through, which will only take a few minutes.

Mr. MONDELL. Do I understand we are to take up the contested-election case the first thing in the morning?

Mr. KITCHIN. I have a little luxury tax bill which will take about two minutes.

A MEMBER. It is agreed the election case is to be taken up?

Mr. KITCHIN. Yes.

Mr. GALLIVAN. I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that the House meet at 11 o'clock?

Mr. WALSH. Mr. Speaker, reserving the right to object, I understand that to-morrow the business in order will be, first, the repeal of the luxury tax in the revenue bill passed and then the contested-election case?

Mr. KITCHIN. That is my understanding.

Mr. WALSH. Then, you can not come in with conference reports and shut out an election case. That is of the highest privilege.

Mr. LEVER. I recognize that.

Mr. WALSH. I want to know if it is understood that the first thing is the luxury tax repeal bill?

Mr. TAYLOR of Colorado. We have one or two uncontested conference reports that ought to be disposed of.

Mr. WALSH. Wait until after the election case.

The SPEAKER. Does the gentleman from North Carolina answer the question of the gentleman from Massachusetts?

Mr. KITCHIN. I was going to say to the gentleman from Massachusetts I understand there is a conference report that certainly could not take over 5 or 10 minutes, and we would like to dispose of that. If it takes any time over that, I will withdraw it.

Mr. SNYDER. I object to meeting at 11 o'clock.

Mr. KITCHIN. I will say to the gentleman from Massachusetts that we have the election case and the luxury tax bill—

Mr. WALSH. I will object to running in any conference reports. We started out with a conference report to-day with the understanding it would only take 10 minutes and they talked over 2 hours.

The SPEAKER. Is there objection?

Mr. KITCHIN. We will not have conference reports until we finish the contested-election case.

Mr. LEVER. Mr. Speaker, I move the previous question on the motion to concur.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on concurring with an amendment to section 24.

Mr. HARRISON of Virginia. I would like to ask the gentleman a question.

Mr. HEFLIN. Regular order.

The SPEAKER. The previous question has been ordered.

Mr. SNYDER. Mr. Chairman, did my objection stand as to the 11 o'clock meeting to-morrow?

Mr. McLAUGHLIN of Michigan. The gentleman withdrew it.

Mr. SNYDER. I did not withdraw it.

The SPEAKER. Is there objection to meeting at 11 o'clock a. m. to-morrow?

Mr. SNYDER. I object.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. LEVER].

The motion was agreed to.

Mr. LEVER. Mr. Speaker, I move to disagree to other Senate amendments and ask for a conference.

The motion was agreed to.

The CHAIRMAN announced the following conferees: Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

Mr. LEVER. Mr. Speaker, I ask that the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota [Mr. ANDERSON] be added. I overlooked that fact.

The SPEAKER. Without objection, those names will be added.

ADJOURNMENT.

Mr. STAFFORD. Mr. Speaker, I make the point of order there is no quorum present.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move that the Senate—

The SPEAKER. Does the gentleman from Wisconsin [Mr. STAFFORD] withdraw his point of order that there is no quorum present?

Mr. STAFFORD. No; I do not.

The SPEAKER. The gentleman from Wisconsin makes a point of order there is no quorum present.

Mr. HEFLIN. Mr. Speaker, I move a call of the House.

The SPEAKER. Evidently there is no quorum.

Mr. HEFLIN. If the gentleman from Wisconsin will withdraw that a moment and let this message come in—

Mr. STAFFORD. I have no objection to that.

The SPEAKER. The gentleman from Wisconsin withdraws his point momentarily.

Mr. HEFLIN. And I withdraw mine.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses, and that the Senate recedes from its disagreement to the amendment of the House to the amendment of the Senate numbered 12 and agrees to the same.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reports that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 171. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915;

H. R. 5999. An act for the establishment of Gulfport, Miss., as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise;

H. R. 204. An act to provide for the fitting up of quarters in the post-office building at the city of Sacramento, Cal., for the accommodation of the district court of the northern district of California and its officers;

H. R. 3217. An act providing for an increase of authorization for the Federal building at Steubenville, in the State of Ohio;

H. R. 12211. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13308. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes;

H. R. 13366. An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions;

H. R. 13035. An act to amend section 4 of Chapter V of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918," approved July 9, 1918, and to make said amendment retroactive;

H. R. 13394. An act to extend the time for the completion of the dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by acts approved June 3, 1912, and March 1, 1916;

H. R. 15950. An act granting the consent of Congress to the county of Halifax, in the State of North Carolina, to construct a bridge across the Roanoke River;

H. R. 13037. An act to amend the fiftieth article of war;

H. R. 13306. An act to authorize the payment of allotments out of the pay of enlisted men in certain cases in which these payments have been discontinued;

H. R. 15834. An act to extend the time for the construction by Kratka Township of a bridge across the Red Lake River, in Pennington County, Minn.;

H. R. 14078. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes;

H. R. 13274. An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes;

H. R. 4610. An act to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor;

H. R. 13034. An act to validate and confirm certain erroneously allowed entries in the State of Minnesota; and

H. R. 13462. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5553. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5554. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4610. An act to compensate Thomas G. Allen for injuries while employed in the General Land Office of the United States, and making an appropriation therefor;

H. R. 13274. An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes;

H. R. 10394. An act to add certain lands to the Minam National Forest, Oreg.;

H. R. 7362. An act to authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water;

H. R. 5989. An act to grant certain lands to the town of Olathe, Colo., for the protection of its water supply;

H. R. 15495. An act to amend an act to provide for the appointment of a commission to standardize screw threads;

H. R. 11368. An act to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for a certain described tract of land;

H. R. 13058. An act to grant to citizens of Modoc County, Cal., the right to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove such timber to Modoc County, Cal.;

H. R. 13042. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act;

H. R. 12082. An act authorizing the sale of certain lands in South Dakota for cemetery purposes;

H. R. 12579. An act to grant to the citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove such timber to Malheur County, Oreg.;

H. R. 1012. An act for the relief of Mrs. W. E. Crawford;

H. R. 17. An act to include certain lands in the counties of Modoc and Siskiyou, Cal., in the Modoc National Forest, Cal., and for other purposes; and

H. J. Res. 358. Joint resolution authorizing and directing the payment of the usual compensation of Representatives in Congress to those Members of the House who have been discharged from their military or naval duties.

ADJOURNMENT.

Mr. STAFFORD. Mr. Speaker, I make the point of no quorum.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Saturday, March 1, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation required by the Department of the Interior for administration and protection of the Grand Canyon National Park, Ariz. (H. Doc. No. 1834); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State, submitting, at the request of the President, an estimate of an appropriation for the national security and defense (H. Doc. No. 1835); to the Committee on Appropriations and ordered to be printed.

3. A letter from the secretary of the Capital Issues Committee, transmitting report of the Capital Issues Committee as of December 31, 1918 (H. Doc. No. 1836); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 16184) to amend section 5 and section 8 of the United States cotton-futures act, approved August 11, 1916, and for other purposes, reported the same with amendment, accompanied by a report (No. 1151), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5517) to amend the war-risk insurance act, reported the same without amendment, accompanied by a report (No. 1154), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CROSSER, from the Committee on Patents, to which was referred the bill (H. R. 15853) to amend sections 8 and 21 of the

copyright act, approved March 4, 1909, reported the same with amendment, accompanied by a report (No. 1158), which said bill and report were referred to the House Calendar.

Mr. BANKHEAD, from the Committee on Education, to which was referred the bill (H. R. 15402) to promote the education of native illiterates, of persons unable to understand and use the English language, and of other resident persons of foreign birth, etc., reported the same without amendment, accompanied by a report (No. 1159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the joint resolution (H. J. Res. 439) to repeal section 904 of the revenue act of 1918, approved February 24, 1919, reported the same without amendment, accompanied by a report (No. 1152), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution (H. Res. 599) requesting the President to communicate to the House certain information concerning the War Trade Board, reported the same without amendment, accompanied by a report (No. 1155), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, submitted a report (No. 1157) to accompany House Document No. 1188, of the Sixty-fifth Congress, second session, relative to the purchase of land in the District of Columbia for the Bureau of Standards, which said document and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on War Claims, to which was referred the bill (H. R. 11290) for the relief of heirs of estate of John Edwards, deceased, reported the same without amendment, accompanied by a report (No. 1156), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCULLOCH: A bill (H. R. 16194) to donate a captured cannon or gun to Ricksecker Post, No. 469, city of Dover, State of Ohio; to the Committee on Military Affairs.

By Mr. LUNDEEN: A bill (H. R. 16195) to create a department of air service; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 16196) authorizing and directing the Secretary of War to make certain donations of ordnance and cannon to designated cities; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 16197) authorizing the Secretary of War to donate to the University of Pittsburgh two German cannons or fieldpieces, with carriages and suitable complement of projectiles; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 16198) authorizing the Secretary of War to donate to the borough of Glassport, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LUNDEEN: A bill (H. R. 16199) to repeal the espionage and censorship laws; to the Committee on the Judiciary.

Also, a bill (H. R. 16201) to provide for an advisory referendum vote of the people of the United States on the proposed league of nations; to the Committee on the Judiciary.

Also, a bill (H. R. 16202) to provide for an advisory referendum vote of the people of the United States on all declarations of war by the Government of the United States; to the Committee on the Judiciary.

By Mr. FOSTER: A bill (H. R. 16203) authorizing the Secretary of War to deliver to the city of Robinson, Ill., one cannon or fieldpiece and carriage captured from the German Army in the recent war; to the Committee on Military Affairs.

By Mr. LUNDEEN: A bill (H. R. 16204) to provide for Government ownership and control of the manufacture and sale of all weapons and munitions of war; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Joint resolution (H. J. Res. 440) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. MASON: Resolution (H. Res. 613) requesting the Secretary of the Treasury to furnish the House information

relative to purchase of United States bonds by the Treasury; to the Committee on Ways and Means.

By Mr. RUBEN: Resolution (H. Res. 614) to pay Mayme O. Peak, clerk of the late William P. Borland, a Representative in Congress, \$166.66; to the Committee on Accounts.

By Mr. LUNDEEN: Resolution (H. Res. 615) to investigate foreign propaganda in the United States; to the Committee on Rules.

By the SPEAKER: Memorial from the Legislature of the State of Utah, urging the continuance of the United States Employment Service; to the Committee on Appropriations.

Also, memorial from the Legislature of the State of Oregon, favoring the passage of the McKellar-Keating bill, which provides for the retirement of certain civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial from the Commonwealth of Massachusetts, urging Congress to provide additional pay for soldiers and sailors discharged from the service of the United States; to the Committee on Military Affairs.

Also, memorial from the Legislature of the State of Oregon favoring the passage of a bill appropriating \$1,000,000,000 for reclamation and drainage of lands in the western portion of the United States; to the Committee on the Public Lands.

By Mr. GARNER: Memorial from the Legislature of the State of Texas, favoring the return of the telephone and telegraph lines to their owners; to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the State of Texas, favoring an appropriation by Congress for the reclamation of swamp lands; to the Committee on Appropriations.

Also, memorial from the Legislature of the State of Texas, favoring the deportation of undesirable aliens; to the Committee on the Judiciary.

By Mr. MAYS: Memorial from the Legislature of the State of Utah, petitioning for the continuance of the United States Employment Service; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. TAYLOR of Colorado introduced a bill (H. R. 16200) authorizing an exchange of land by A. A. Bruce, of La Veta, Colo.; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALLINGER: Petition of Payson Park Congregational Church, regarding league of nations; to the Committee on Foreign Affairs.

By Mr. DARROW: Petition of Otto Eisenlohr & Bros. (Inc.), H. O. Hurlburt & Sons, Smaltz Goodwin Co., Belfield Country Club, Peter Bros. & Co., C. J. Moran, and Arthur H. Lea, of Philadelphia, Pa., against the repeal of the daylight-saving law; to the Committee on Agriculture.

Also, petition of American Association of Woolen and Worsted Manufacturers, against the repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. DELANEY: Petition of Italian citizens of the city of New York, advocating the return to Italy of territory formerly belonging to it; to the Committee on Foreign Affairs.

By Mr. EMERSON: Petition of William V. Backus and others, in favor of an appropriation to be devoted to research work concerning the Spanish influenza; to the Committee on Appropriations.

Also, petition of John F. Daly and others, in favor of Government ownership of railroads in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Machinists, Local No. 83, Cleveland, Ohio, protesting against legislation to prevent the right to strike; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petitions of Burson Knitting Co. and O. Nedlung, superintendent Metropolitan Life Insurance Co., of Rockford; W. F. Roetz, of Ottawa; and Hibbard, Spencer, Bartlett & Co., of Chicago, all in the State of Illinois, opposing repeal of the daylight-saving law; to the Committee on Agriculture.

Also, petition of the Chicago Federal Employees' Union, favoring the McKellar-Keating retirement bill; to the Committee on Labor.

Also, petition of the Chicago Federal Employees' Union, favoring the McKellar-Keating retirement bill; to the Committee on Labor.

Also, petition of the commercial committee of the Streator (Ill.) Trades and Labor Council, for resumption of work on all projects discontinued during the war; to the Committee on Labor.

Also, petitions of Peter Jones, secretary United Mine Workers of America, of Oglesby, and the Daily Post and Mattiesson & Hegeler Tinsel Co., of La Salle, Ill., for continuing the United States Employment Service; to the Committee on Appropriations.

Also, petition of the Traffic Club of Chicago, Ill., for improvement of the harbor at Great Lakes Naval Training Station; to the Committee on Rivers and Harbors.

Also, petition of the Congregational Ministers' Union of Chicago and vicinity, favoring a league of nations; to the Committee on Foreign Affairs.

Also, petition of the national conference of State manufacturers' associations, favoring demand for indemnities from Germany; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petition of Edward N. Cogswell Worden, asking for appropriation for maintenance of United States Employment Service; to the Committee on Appropriations.

Also, petition of Albert W. Lewis, Dorchester, Mass.; Frank W. Whitcher, president Massachusetts Chamber of Commerce, Cambridge, Mass.; American Thread Co.; and Kerr Mills, Fall River, Mass., strongly favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of James G. Lincoln, J. C. McCarthy, Smith Patterson Co., M. Finkovitch (Inc.), Broman, Dow & Co., all of Boston, Mass., and the National Retail Hardware Association, Argos, Ind., urging retention of daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of the student body and faculty of Massachusetts State Normal School, Worcester, Mass., urging United States Senate to vote its approval and support of league of nations; to the Committee on Foreign Affairs.

By Mr. GARNER: Petition of members of rotary clubs of eighteenth district of State of Texas, proposing to establish a national bureau or department of mercantile marine and overseas transportation; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOLLINGSWORTH: Petition of the chamber of commerce and H. D. Westfall, opposing repeal of daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of St. Patrick's Day convention, of San Francisco, demanding release of Shin Fein prisoners in English and Irish jails; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolution of the General Assembly of the State of Rhode Island, urging upon Congress the passage of legislation which will permit additional payments to all soldiers and sailors who have served in the war with Germany; to the Committee on Military Affairs.

By Mr. KING: Petition of O. B. Timberlake and 68 other citizens of Henry and Mercer Counties, Ill., protesting against daylight-saving bill and urging retention of old system as being more beneficial to farmers; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of George W. Bahlke, representing 40 employees, unanimously urging continuance of daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chesapeake Iron Works, Baltimore, Md., opposing the pending appropriation of \$14,000,000 to continue the United States Employment Bureau; to the Committee on Appropriations.

Also, petition of the Federal Employees' Union No. 21, requesting passage of McKellar-Keating retirement bill; to the Committee on Labor.

Also, petition of the Baltimore Federation of Labor, Henry F. Browning, secretary, urging appropriations requested by Department of Labor for United States Employment Service; to the Committee on Appropriations.

Also, petition of Newcomer & Co., Baltimore, Md., approving House bill 18016, providing appropriation for literature for the blind; to the Committee on Appropriations.

Also, petition of J. M. Sheridan, jr., Baltimore, Md., relating to special-tax bill; to the Committee on Ways and Means.

Also, petition of Dr. J. H. M. Knox, jr., Baltimore, Md., urging defeat of Senate bill 2812 and Senate bill 1439; to the Committee on the Public Lands.

Also, petition of the War Camp Community Service, of Baltimore, urging appropriation for continuance of United States Employment Service; to the Committee on Appropriations.

Also, petition of G. A. Tschudy, Baltimore, Md., favoring Government ownership and control of railroads, telegraphs, and telephones; to the Committee on Interstate and Foreign Commerce.

Also, petition of McCormick & Co., T. Parkinson Mitchell, and Daniel Miller, all of Baltimore, Md., asking for continuance of daylight-saving law; to the Committee on Agriculture.

Also, petition of Brigham Hopkins Co., the Hub, Eisenberg's, A. A. Brager, National War Service Committee Dry Goods Stores, L. Slesinger & Son, Munch & Eisenbrey Co. (Chas. E. Allen, president), and Isaac Hambarger & Sons, all of Baltimore, Md., asking for repeal of luxury tax; to the Committee on Ways and Means.

Also, petition of Maryland and District of Columbia Retail Clothiers' Association, urging repeal of amendment 904 of revenue bill, pertaining to luxury tax; to the Committee on Ways and Means.

Also, petition of the Leader, Cohn Coblens Co., Baltimore, Md., urging joint resolution repealing luxury taxes as embodied in revenue bill; to the Committee on Ways and Means.

Also, petition of E. H. Norman, president Baltimore Business College, and the Private Business School Managers' Association of the United States, protesting against rider attached to agricultural appropriation bill which is to repeal daylight saving law; to the Committee on Agriculture.

Also, petition of Miss Alice J. Reilly and Armstrong Cator & Co., Baltimore, Md., disapproving of the daylight saving measure; to the Committee on Interstate and Foreign Commerce.

Also, petition of Swindell Bros., Baltimore, Md., urging that the daylight-saving measure be continued; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. W. Bartol, superintendent of the Metropolitan Life Insurance Co., Baltimore, Md., indorsing Smith-Bankhead Americanization bill, H. R. 15402; to the Committee on Education.

By Mr. HENRY T. RAINEY: Petition of C. E. Bolin and 69 other citizens of Milton, Ill., favoring repeal of daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: Petition of citizens of Ogdensburg, N. Y., protesting against the rider attached to the Agricultural appropriation bill to repeal the daylight-saving law; to the Committee on Agriculture.

By Mr. STINESS: Petition of the Providence Real Estate Dealers' Exchange, of Providence, R. I., protesting against any attempt to repeal the daylight-saving law; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Providence, R. I., protesting against any attempt to repeal the daylight-saving law; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: Petition of the Plateau Valley Stock Growers' Association of Collbran, Colo., urging return of railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Pennsylvania: Petition of the Sellersville Board of Trade, favoring a reasonable period to allow for the necessary preparation and adjustment by the owners of the great wire systems under Federal control; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, March 1, 1919.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee with a profound sense of our dependence upon Thee. We are walking in the uncharted way, through paths that are new. We lift up our hearts to Thee for light, for wisdom, and for guidance. We pray that that which we do may have the sanction of the Divine will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SHEPPARD and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|---------------|--------------|------------|
| Bankhead | Fletcher | Jones, Wash. | Nelson |
| Brandeggee | France | Kellogg | New |
| Calder | Gay | Kirby | Norris |
| Chamberlain | Gronna | Knox | Nugent |
| Culberson | Hale | La Follette | Overman |
| Cummins | Harding | Lodge | Owen |
| Curtis | Hardwick | McCumber | Page |
| Dillingham | Henderson | McKellar | Pittman |
| Fernald | Johnson, Cal. | Martin, Va. | Poindexter |